EXHIBIT 9

Case 3:09-cv-00620-REP   Document 305-9   Filed 07/02/10   Page 2 of 64 PageID# 7272
VIDEOTAPED DEPOSITION OF JEFFREY L. HVASS
CONDUCTED ON TUESDAY, JUNE 8, 2010

1 (Pages 1 to 4)

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 1        IN THE UNITED STATES DISTRICT COURT
 2       FOR THE EASTERN DISTRICT OF VIRGINIA
 3              Richmond Division
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 6   ePLUS iNC.,              |
                                  |
 7        Plaintiff,    |
                                  |
 8                      | Civil Action No.
      vs.               | 3:09-CV-620 (JRS)
 9                      |
     LAWSON SOFTWARE, INC.,      |
10                      |
          Defendant.    |
11                      |
     - - - - - - - - - - - - - - +
12
13        Videotaped 30(b)(6) Deposition of
14          LAWSON SOFTWARE, INC.
15      BY AND THROUGH ITS REPRESENTATIVE
16           JEFFREY L. HVASS
17            Washington, DC
18             June 8, 2010
19              10:00 a.m.
20   Job No. 1-180349
21   Pages 1 - 252
22   Reported by:  Michele E. Eddy, RPR, CRR, CLR
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 1          Videotaped Deposition of
 2            JEFFREY L. HVASS
 3
 4    Held at the offices of:
 5       GOODWIN PROCTER, LLP
 6       901 New York Avenue, Northwest
 7       Washington, DC  20001
 8       (202) 346-4000
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16       Pursuant to Notice, before Michele E. Eddy,
17   Registered Professional Reporter, Certified Realtime
18   Reporter, and Notary Public in and for the District of
19   Columbia.
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 1              A P P E A R A N C E S
 2
 3   ON BEHALF OF THE PLAINTIFF:
 4       MICHAEL STRAPP, ESQUIRE
 5       Goodwin Procter
 6       Exchange Place
 7       53 State Street
 8       Boston, Massachusetts  02109
 9       Telephone:  (617) 570-1658
10       - AND -
11       JAMES D. CLEMENTS, ESQUIRE
12       JENNIFER A. ALBERT, ESQUIRE
13       Goodwin Procter
14       901 New York Avenue, Northwest
15       Washington, DC  20001
16       Telephone:  (202) 346-4000
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 1   ATTENDANCE, Continued
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 3   ON BEHALF OF THE DEFENDANT:
 4       WILLIAM D. SCHULTZ, ESQUIRE
 5       Merchant & Gould
 6       3200 IDS Center
 7       80 South Eighth Street
 8       Minneapolis, Minnesota  55402
 9       Telephone:  (612) 332-5300
10
11   ALSO PRESENT:
12       David Bayles, Videographer
13       Brooks L. Hilliard, CMC, CCP
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VIDEOTAPED DEPOSITION OF JEFFREY L. HVASS
CONDUCTED ON TUESDAY, JUNE 8, 2010

2 (Pages 5 to 8)

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6

1   THE VIDEOGRAPHER: Here begins tape number 1
2   in today's deposition of Jeff Hvass in the matter of
3   ePlus, Inc. V. Lawson Software, Inc. in the United
4   States District Court for the Eastern District of
5   Virginia, Richmond Division, Civil Action Number
6   3:09-CV-620 REP.
7   Today's date is June 8th, 2010. The time is
8   10:08 a.m. The videographer is David Bayles. This
9   deposition is taking place at 901 New York Avenue,
10 Northwest, in Washington, D.C.
11   Counsel, please voice identify yourselves
12 and state whom you represent.
13   MR. STRAPP: Michael Strapp with Goodwin
14 Procter for the plaintiff ePlus.
15   MR. CLEMENTS: Jimmy Clements, Goodwin
16 Procter, plaintiff ePlus.
17   MS. ALBERT: Jennifer Albert with Goodwin
18 Procter for the plaintiff ePlus.
19   MR. SCHULTZ: William Schultz of Merchant &
20 Gould for Lawson Software, Incorporated.
21   THE VIDEOGRAPHER: The court reporter is
22 Michele Eddy of Merrill L.A.D.

7

1   Would the reporter please swear in the
2   witness.
3   P R O C E E D I N G S
4   JEFFREY L. HVASS,
5   having been duly sworn, testified as follows:
6   EXAMINATION BY COUNSEL FOR PLAINTIFF
7   BY MR. STRAPP:
8   Q   Mr. Hvass, could you please state your full
9   name for the record?
10   A   It's Jeffrey Lee Hvass, H-V-A-S-S.
11   Q   What is your current address?
12   A   My current address is 3493 Crestmoor Point
13 in Woodbury, Minnesota, 55125.
14   Q   And are you currently employed by Lawson
15 Software?
16   A   Yes, I am.
17   Q   What is your current title there?
18   A   I'm a solution consultant for our services
19 industries.
20   Q   Do you understand today that I'm going to be
21 asking questions and you're going to be providing
22 answers during this deposition?

8

1   A   Yes.
2   Q   And do you understand that you're under an
3   obligation to provide truthful and honest answers just
4   as you would be in a court of law?
5   A   Yes.
6   Q   If any of my questions are unclear, I will
7   ask you to let me know, but if you -- but if you
8   answer my questions, I will assume that you understood
9   them. Is that fair?
10   A   That is fair.
11   Q   And if you need to take a break, let me
12 know. But if a question is pending, I'll ask you to
13 please answer the question.
14   You also need to answer the questions
15 verbally because the court reporter will be taking
16 down everything that we say today. Understood?
17   A   Understood.
18   Q   Is there any reason that you feel you would
19 be unable to give me truthful and accurate answers
20 today to my questions?
21   A   No.
22   Q   Have you ever been deposed before?

9

1   A   Yes.

2   Q   On how many occasions?

3   A   One other time.

4   Q   And what were -- what were the circumstances

5   of the lawsuit in which you were deposed?

6   A   I had sued a home builder on a water

7   intrusion issue in my home.

8   Q   Have you ever testified at a trial?

9   A   No, I have not.

10   (Exhibit 1 was marked for identification and

11   attached to the deposition transcript.)

12   BY MR. STRAPP:

13   Q   I've asked the court reporter to mark as

14   Exhibit 1 plaintiff ePlus' Fifth Notice of Deposition,

15   and it's now in front of you. Could you take a

16   moment, please, to review pages 10 and 11 of the

17   document. There are a list of eight deposition

18   topics. After you've had a moment to review them, I

19   want to ask a few questions about those topics,

20   please.

21   A   Okay.

22   Q   Do you understand that Lawson Software has

10

1   designated you as a corporate representative to

2   provide deposition testimony here today about each of

3   these topics on pages 10 and 11?

4   A   Yes.

5   Q   And are you prepared to testify on behalf of

6   Lawson with respect to topics 1 through 8 on pages 10

7   and 11 of this deposition notice?

8   A   Yes.

9   Q   Do you believe that you have the requisite

10   knowledge to provide testimony today about each of the

11   topics?

12   A   Yes.

13   Q   Can you -- are you -- let me ask you a

14   question as well. Are you prepared to provide

15   demonstrations of the Lawson Legacy software systems

16   that your counsel has indicated you will be

17   demonstrating today?

18   A   Yes.

19   Q   Turn to page 12 for a moment of the

20   deposition notice. Do you see that there are two

21   topics listed on that page?

22   A   Uh-hmm, yes.

11

1   Q   Please -- please take a moment to review

2   those topics.

3   A   Okay.

4   Q   Do you understand that ePlus requested from

5   Lawson the opportunity to inspect a live, fully

6   functional version of Lawson Software release 6.0?

7   A   Yes.

8   Q   And can you tell me now here today which

9   versions of the Lawson Software system you will be

10   providing ePlus with an opportunity to inspect?

11   A   Today I can show you 5.0, 6.0 and 6.1

12   systems.

13   Q   And are you prepared as Lawson's corporate

14   representative to demonstrate how these three

15   different versions of the Lawson Software systems

16   function?

17   A   Yes.

18   Q   How did you prepare for the deposition

19   today?

20   A   First I went through and read the

21   documentation that was provided me by Lawson on the

22   existing systems of 6.0 and 5.0. And then I got on

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1   operational systems about a week ago and went through

2   them and refreshed my knowledge. And then reviewed

3   with counsel what the matters were to be discussed

4   today.

5   Q   Which documentation did you review to become

6   familiar with the Lawson 6.0 and 5.0 systems?

7   A   I was provided by Lawson's counsel user and

8   training guides on 6.0 and 5.0 applications that were

9   provided to me, and I reviewed them and then got

10   online to see the -- see the systems running live

11   again.

12   Q   Do you recall any of the specific titles or

13   the modules that those user and training guides for

14   6.0 and 5.0 pertain to?

15   A   The purchase order guide was the main one.

16   It was purchase order training specifically. And

17   there was general ledger in there also were the main

18   two guides I looked at.

19   Q   And then you testified that you also got

20   online to see the systems running live.

21   A   That's correct.

22   Q   Can you explain to me what you -- what you

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4 (Pages 13 to 16)

13

1   mean by you got online to see the systems running
2   live?
3   A   I had two interfaces put on my machine, and
4   one was to get on a UNIX server for the 5.0 and 6.0
5   systems, and then I also got a user interface to get
6   on the 6.1 system, which is in the AS/400 system. And
7   then I signed on to our systems and then brought up
8   each of the application modules and reviewed them and
9   processed transactions and got them running in the
10 system and set up some data so systems could run.
11   Q   Who put the two interfaces on your machine?
12   A   A gentleman by the name of Roger Shimada did
13 that work for me from Lawson.
14   Q   And where did he obtain those interfaces to
15 put on your machine?
16   A   From Lawson's corporate MIS group supplied
17 those.
18   Q   Can you describe for me what each of those
19 interfaces consist of?
20   A   One is an IBM piece of software that
21 provides a 5150 emulation to a 6.1 AS/400 system.
22 Another one is a UNIX Telnet session that provides the

14

1   interface that goes into our UNIX systems.
2   Q   And what is the release date of the IBM
3   software that provides the 50 -- is it 5150 emulation?
4   A   Yes, it might be 5150 or 5250. I'm not
5   sure. It's the green screen version of the systems.
6   It copyrights -- copyrights back to the 1980s. That's
7   all I know about that specific version.
8   Q   And what's the release date of the emulator
9   that allows you to -- is it Telnet --
10   A   Telnet.
11   Q   -- UNIX system?
12   A   I don't know what the date is.
13   Q   And is that -- are those interfaces licensed
14 by Lawson Software?
15   A   Yes, I assume they are.
16   Q   Are they licensed from IBM?
17   A   I don't know.
18   Q   When were these interfaces placed on your
19 work station at Lawson?
20   A   Last Thursday they were put on my system.
21   Q   And did you ask -- what was the name of the
22 gentleman who placed them?

15

1   A   Roger Shimada.
2   Q   How do you spell his last name?
3   A   I couldn't tell you. I could get it for you
4   if you need it.
5   Q   Well, let me back up a minute. Are these --
6   are these systems that you're familiar with from your
7   personal experience at Lawson?
8   A   Yes.
9   Q   How long have you been employed at Lawson?
10   A   27 years.
11   Q   So you began working at Lawson in 1983?
12   A   1983 is correct.
13   Q   Can you briefly review for me the various
14 positions you've held at Lawson starting with your
15 first job there in 1983?
16   A   I was hired in -- on May 2nd of 1983 to be a
17 system 38 sales representative for Lawson in the
18 western half of the United States. I did that job for
19 approximately three years.
20   In 1986 I became a regional sales manager.
21 I moved out to California in 1987 to start Lawson's
22 first remote office, and I was a regional sales

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1   manager there until 1990.
2   In 1990 I came back to the twin cities,
3   Minneapolis and St. Paul, and I was a sales
4   representative for our procurement distribution
5   systems for about a year through 1991.
6   And then Lawson broke its sales force up
7   into salespeople that managed the accounts and people
8   who demonstrate and managed the actual presentation of
9   our software. I did that job from 1991 through 1997.
10   Q   Let me just stop you there for a second.
11   A   Go ahead.
12   Q   You said Lawson broke its sales force up
13 into sales people that managed the accounts into
14 salespeople who demonstrated and managed the
15 presentation.
16   A   Of our software.
17   Q   Of the software.
18   Which side of that divide were you on from
19 the --
20   A   I was on the presentation of the software
21 systems.
22   Q   Okay, go ahead. I'm sorry.

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5 (Pages 17 to 20)

17

1   A   And then from 1997 through 1999, I worked in
2   our partner program setting up and working with
3   partners of Lawson who help resell our software. And
4   I was the -- I trained our partners on how to sell and
5   install and run Lawson in a demonstration environment.
6   I also helped them present our solutions. And I had a
7   team of three or four individuals who also helped in
8   the presentation of our software.
9   And then in 2000 -- actually 1999, Lawson
10   set up a new division to sell our software to
11   professional services organizations, and I was a
12   product specialist there and a manager of the
13   presentation staff. And I did that job through 2002.
14   And in 2002 I went back into the general
15   pool of presenters again, our solution consultants, in
16   our services industries area, did that from 1992 to,
17   excuse me, 2002 through 2005.
18   And then in 2005 through 2008, I was in our
19   government segment of selling Lawson Software to
20   government, schools and institutions.
21   And then in 2008 through 2010, I've been in
22   our services industries group presenting our solutions

18

1   to our clients and to new prospects.
2   Q   Let's go back to 1990. You mentioned in
3   1990, you transitioned to become a sales
4   representative for procurement software distribution?
5   A   Yeah, we sell our purchase order inventory
6   and requisition modules as what we call procurement
7   for internal supply of items. We also have an order
8   entry system that we were selling at that point, and
9   that would be called our distribution area,
10   distributing products for profit.
11   Q   And what were your responsibilities as a
12   sales representative for that division?
13   A   I managed a territory in the East Coast. I
14   found prospects. I made sure they were qualified, did
15   the sales presentations, closed accounts and made sure
16   they were happy after -- once they were installed.
17   Q   What version of the procurement software was
18   being sold in 1990 by Lawson?
19   A   The 5.0 systems were coming to market.
20   That's what I was selling.
21   Q   When you say they were coming to market,
22   were they already available -- commercially available

19

1   in 1990 or were they not yet commercially available?
2   A   They were not commercially available. They
3   were on our sales servers and we were allowed to
4   present them at that point.
5   Q   You were presenting them to prospective
6   customers, but you weren't yet commercially selling
7   them to customers?
8   A   Once there was a sale, then there became --
9   we could contract and supply the software, but it
10   wasn't considerably generally accepted or generally
11   available at that point, which it became in 1991.
12   Q   When in 1991 did the 5.0 system become
13   generally available?
14   A   I don't have a specific date.
15   Q   Do you recall whether it was the first half
16   or the second half of the year?
17   A   It would be in the first half of the year,
18   somewhere in there.
19   Q   And you said that your next role at Lawson
20   was as -- you moved into the presentation of software
21   from '91 through '97; is that correct?
22   A   Right, that's correct.

20

1   Q   And was that presentation of specific types
2   of software?
3   A   I did all of our financial systems then. So
4   general ledger, accounts payable, accounts receivable,
5   asset management. I did those, and I also did
6   procurement, purchase order inventory requisitions.
7   And then I also did our order entry systems.
8   Q   And when in 1991 did you transition to that
9   role?
10   A   It would have been in June when we switched
11   the sales force over. That was our fiscal --
12   beginning of the calendar year for '92.
13   Q   And by that point was version 5.0 of Lawson
14   Software already commercially available?
15   A   Yes, from my understanding, it was, yes.
16   Q   What were your responsibilities in
17   presenting the procurement software, was it to
18   potential customers or to --
19   A   Potential customers or existing customers
20   that did not have those systems yet.
21   Q   Okay. And what were your responsibilities
22   as a presenter of the procurement software to

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6 (Pages 21 to 24)

21

1   potential customers?
2   A   First of all, I would do a survey with the
3   potential customer to find out their needs and
4   requirements, and we would do that either face-to-face
5   or on the phone.
6   And then at that point we generally go back
7   for a week to two weeks, prepare the software, put in
8   data and tune it to fit their needs and then go back
9   and do a presentation demonstration of a -- of a
10 solution to them. And then at that point I would do
11 any follow-up that was needed, answer any questions,
12 provide documentation, those kinds of things.
13   And then at that point the sales rep would
14 take over and I would be going on to the next business
15 opportunity.
16   Q   When was the first instance that you can
17 recall presenting to a potential customer the Lawson
18 Software 6.0 system and specifically the procurement
19 modules within that system?
20   A   I don't have a specific date when I first
21 presented it to someone.
22   Q   What's your general recollection of the time

22

1   frame?
2   A   I worked on the design team in 1992 to
3   review what was being designed, and then in 1983 it
4   became -- it came out as a product.
5   Q   Do you mean 1993?
6   A   I'm sorry, 1993.
7   Q   Tell -- tell me a little bit about your work
8   on the design team for the 6.0 release in 1992.
9   A   When Lawson produced a product, generally
10 people have been around the sales team, we would be
11 working with the design team to make sure that the
12 functions that we needed in the market space were out
13 there. And at that point in time Lawson's expertise
14 generally came from either our customers or it came
15 from our sales force because they were the most
16 knowledgeable people about what we needed to be
17 competitive.
18   So we'd work with the development teams on
19 making sure the functions were there and then also
20 making sure that the application processed in a way
21 that would be appealing to our customers and
22 prospects. And I would sit through those teams and

23

1   make sure that the system would look reasonable and
2   make sure it functioned properly.
3   Q   Okay. Were you involved in the design of
4   the purchase order inventory control and requisition
5   modules?
6   A   Yes, I reviewed all of those products.
7   Q   And when in 1993 was 6.0 first commercially
8   available?
9   A   I don't know a specific date.
10   Q   Do you recall generally the month or the
11 season?
12   A   It became available in our -- in our
13 demonstration systems. It usually comes out anywhere
14 from three to six months at that point in time prior
15 to the GA dates, so we were getting them in February
16 and March, and we were presenting them to clients at
17 that point or prospects at that time.
18   Q   So in February and March of 1993, it was
19 available on a demonstration system?
20   A   In a demonstration version, absolutely.
21   Q   Demonstration version?
22   A   Uh-hmm.

24

1   Q   And did you say about three to six months
2   after that it became generally available?
3   A   That's correct.
4   Q   So that would have been approximately, what,
5   June to August?
6   A   In that time frame.
7   Q   You mentioned earlier today that you also
8   intend to provide ePlus with an opportunity to inspect
9   a live, fully functional Lawson Software 6.1; is that
10 correct?
11   A   That's correct.
12   Q   When did Lawson Software 6.1 first become
13 generally available?
14   A   To my knowledge, sometime probably in 1994.
15   Q   Do you know when in 1994?
16   A   I think the GA date was considered late
17 September or early October from my recollection.
18   Q   What kind of documentation did Lawson
19 maintain that may permit you if you wanted to refresh
20 your recollection about the specific dates that each
21 of these versions of Lawson Software became generally
22 available?

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1   A   They had release documents that they would
2   say here's the different dates and here's the version
3   numbers of when these systems came out.
4   Q   What else, you know, is contained in a
5   release document like the one you're referring to?
6   A   Well, the release document, depending on the
7   release level, would have differences between a prior
8   release. So there's -- there's two concepts within
9   Lawson. There's, I call them the large numbers. A
10   5.0 to 6.0, generally those are done on a three to
11   four-year cycle and those are processed within the
12   system. And there are major database changes, new
13   functionality. So the 5.0 to 6.0 would have major
14   changes to the applications depending on what they
15   were recoded.
16   And then there's a dot configuration, 6.0,
17   6.1. The dot configurations are generally minor
18   fixes, spelling changes, patches are applied to up --
19   to upgrade the system. There would be no -- but there
20   would be no system major functionality differences.
21   Q   And there's a release document that
22   accompany's each, is it each change or is it just each

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1   major change?
2   A   Major changes you would be given new sets of
3   documentation if you requested them. And then on dot
4   one changes or dot two changes, they would give you
5   specific, if there were database element changes, they
6   could supply those.
7   And then they would give you patches at that
8   point which you would manually put into your system to
9   fix any bugs or program changes.
10   Q   When you say they would give you
11   documentation, who would give who documentation?
12   A   Lawson Software would supply and make
13   available in a hard copy format at that time that
14   function and then we would send it to them if they
15   requested it.
16   Q   So Lawson Software, the design team, who at
17   Lawson Software?
18   A   There was actually a documentation design
19   team.
20   Q   They would provide it to you?
21   A   To customers and, of course, the sales reps
22   if they wanted to look at it and the product

27

1   presenters.
2   Q   So this was documentation that was provided
3   to Lawson customers?
4   A   That is correct.
5   Q   Including to prospective Lawson customers?
6   A   No, not to prospects. As a general rule
7   they would -- you would have to sign a nondisclosure
8   at that point, and as a general practice we're not
9   giving those type of information unless they had a
10   specific nondisclosure signed.
11   Q   So those -- that documentation about the
12   features and functionalities available in each new
13   release version of Lawson Software was treated as
14   confidential by Lawson?
15   A   Very much so.
16   Q   Why was it treated as confidential?
17   A   Because it had specific information our
18   competitors would use to their advantage against us
19   because we -- we would go out there and it would
20   explain our systems, especially on a 5.0 to 6.0
21   release of the new major functions we were putting in,
22   and that was our competitive advantage. And we would

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1   not be giving that out to the general public. We
2   would demonstrate those pieces and we would show them
3   to them, but it was strictly on a confidential basis.
4   Q   Let me go back now to our discussion earlier
5   this morning about your preparation for this
6   deposition, and specifically the discussion we were
7   having about the systems that you went online live to
8   review the Legacy systems.
9   You mentioned that there were two different
10   interfaces placed on your computer that allowed you to
11   access these Legacy systems; is that correct?
12   A   That is correct.
13   Q   And was it you who requested that these
14   interfaces be placed on your computer? How did that
15   come about?
16   A   I need to get access to the systems and part
17   of the instructions to get access was to go to Roger
18   Shimada and get the interfaces from him and have them
19   put on my machine.
20   Q   And so, you know, in your ordinary course of
21   business, you don't have access to these Legacy
22   systems; is that fair to say?

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8 (Pages 29 to 32)

29

1   A   No, I only present the current products.
2   Q   Okay. Is there anyone at Lawson Software
3   that you're aware of who today in 2010 has access to
4   or uses the systems that you're going to be
5   demonstrating today on a regular basis?
6   A   The development team has access to them, but
7   they would not be using them as a normal course of
8   business.
9   Q   And why is that?
10   A   There's no need to. We have no current
11 clients on those systems.
12   Q   So there's no current customers of Lawson
13 that are using either Lawson 5.0, Lawson 6.0 or Lawson
14 6.1, to your knowledge?
15   A   To my knowledge I don't know of any that
16 would still be there.
17   Q   Where did you --
18   MR. STRAPP: Well, let me mark this as the
19 next exhibit.
20   (Exhibit 2 was marked for identification and
21 attached to the deposition transcript.)
22

30

1   BY MR. STRAPP:
2   Q   The court reporter has handed you what has
3   been marked as Hvass Exhibit 2. This is a six-page
4   document that was provided to ePlus this morning by
5   counsel for Lawson. And since we haven't seen this
6   document before, I want to ask you some questions
7   about it. I, frankly, am seeing it for the first time
8   this morning. And I would like you to help me
9   understand what it is and why it was prepared.
10   A   Well, from the deposition points, it was
11 talking about for the systems on .7 on topic 6 differ
12 from one another in changes in upgrades. It also
13 talks about our -- let's make sure I get the right
14 pieces here -- you wanted to know what -- where our
15 software, what releases it was on, how was it
16 installed and so on. So these are -- these are the
17 specific pieces for the version 5.0 and 6.0 that comes
18 on under the HP-UX systems running COBOL. These are
19 the dates and version numbers and where they're
20 installed, what systems were put together to do that.
21   There's also a second system that was an IBM
22 iSeries processor, and it gives you the hardware and

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1   configuration pieces that were used to install those
2   systems for the 6.1 system.
3   Q   Okay. So let's walk through the document
4   then. Let's start on the first page. It states at
5   the top of the document, "Systems are" -- well, before
6   I do that, did you prepare this document yourself?
7   A   With help from Roger Shimada.
8   Q   Okay. And what portion of the document
9   would you say was your responsibility and what portion
10 was Roger's or was it a collaboration?
11   A   He provided pages 1, 2, 3 and 4, and I did
12 pages 5 and 6. And I reviewed pages 1 through 4 just
13 to make sure that it was relevant to how the -- how
14 the systems were brought up and put on the systems.
15   Q   And when did you prepare this -- when did --
16 when did you prepare your portion of the document,
17 pages 5 and 6?
18   A   Last Friday and yesterday.
19   Q   And did you prepare it -- how did you
20 prepare those pages of the document and what
21 information did you access to --
22   A   I went online to the 5.0 and 6.0 and 6.1

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1   systems and set up data. That's what pages 5 and 6
2   represent are the actual data elements and what
3   programs and some version information on them. Pages
4   1 through 4 are from Roger.
5   Q   Do you know when he prepared that part of
6   the document?
7   A   A week ago Thursday.
8   Q   Okay. Let's look at the first page of the
9   document.
10   A   Uh-hmm.
11   Q   All right. It states at the top of the
12 document, "Systems are running on two platforms, HP-UX
13 PA-RISC and IBM i." Can you explain for me what those
14 two systems -- or what those platforms are, please?
15   A   The one with the HP-UX is a UNIX server by
16 Hewlett-Packard; and the second one is an IBM iSeries
17 by IBM.
18   Q   What does the PA-RISC stand for?
19   A   It's a form of operating system that uses
20 less instructions in the instruction set for the
21 operating system. That's what PA-RISC stands for.
22   Q   Do you know when the HP UNIX server, on

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9 (Pages 33 to 36)

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1   which the system is running, was first commercially
2   available?
3   A   I have no idea, no.
4   Q   Do you know when the PA-RISC operating
5   system was first commercially available?
6   A   No.
7   Q   Do you know when the IBM iSeries -- is that
8   a server?
9   A   It's a server style. It's the successor for
10   the AS/400 series. The AS/400 came out in -- it goes
11   -- well, the system 38 was first before that, which
12   was in 1980. In 1988 came the IBM AS/400 series, and
13   the iSeries is something probably in the early 2000s,
14   from my understanding.
15   Q   So the IBM iSeries is a server that you
16   believe was first available in the early 2000s; is
17   that right?
18   A   Yes, the iSeries specifically.
19   Q   And which system that you're going to be
20   demonstrating today is running on the IBM iSeries?
21   A   The 6.1 system.
22   Q   So the 5.0 and the 6.0 systems will be

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1   running on HP UNIX server?
2   A   That is correct.
3   Q   And the 6.1 system will be running on the
4   IBM i server?
5   A   Correct.
6   Q   Where are these servers, the HP UNIX server
7   and the IBM i server physically located?
8   A   They're located in St. Paul at our third
9   floor of the Lawson offices.
10   Q   So these are servers that are owned and
11   maintained by Lawson at their premises?
12   A   Yes.
13   Q   Can you tell me what, besides this
14   demonstration that we're doing today, what else does
15   Lawson use the HP UNIX system for currently?
16   A   HP under UNIX, and they also have a Windows
17   version, are systems that we support for our current
18   product line.
19   Q   So you have Lawson Software 9.0 running on
20   this HP UNIX server?
21   A   Yes.
22   Q   And you're not -- you don't have any idea

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1   about when that HP UNIX server was first available?
2   A   No, not the specific style. Lawson's been
3   running on the HP series since the early 1990s.
4   Q   So there's a specific type of HP UNIX server
5   that Lawson runs its certain software on?
6   A   That's correct.
7   Q   Do you know what that model number is for
8   that specific type of HP UNIX server?
9   A   No, I do not.
10   Q   Who at Lawson would know the specifics about
11   the HP UNIX server that the systems that you'll be
12   demonstrating today, the 5.0 and 6.0 systems, will be
13   running on?
14   A   Roger Shimada would know that.
15   MR. STRAPP: Would it be possible, maybe
16   this question is better directed at your counsel, to
17   determine at a break some more information about that
18   HP UNIX server, both the model number and the date it
19   was available?
20   MR. SCHULTZ: Yes, we could do that.
21   MR. STRAPP: Thank you.
22   A   The model number is on page 4.

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1   Q   Okay.
2   A   It tells you the model, processor, memory
3   and disc that's on that particular piece of hardware.
4   Q   Okay. So it's the model RP3440 for the HP
5   UNIX server?
6   A   That's correct.
7   Q   And I assume Roger could tell us at a break
8   when that model RP3440 was first available?
9   A   He could or you would have to do research
10   because he doesn't buy those systems or acquire them.
11   He's just a tech that supports them.
12   Q   But he could find out someone who might know
13   that information.
14   A   Most likely he could find it.
15   Q   Okay. Let's look at page 4 while we're on
16   it. The HP UNIX has a system name prhtec01. Is that
17   a Lawson system name for that particular server?
18   A   Yes.
19   Q   And the operating system running on that
20   server is the PA-RISC operating system?
21   A   That is correct.
22   Q   And what version of the PA-RISC operating

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10 (Pages 37 to 40)

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1   system is running on the HP UNIX server?
2   A   Let's see if they have it specifically
3   listed here. It's HP-UX, it's on page 3. It's the
4   fifth line down, HP-UX 11i operating environment.
5   Q   Do you know when the HP-UX 11i operating
6   environment was first commercially available?
7   A   No.
8   Q   Do you know whether Roger knows that or
9   could find that out?
10   A   He could, yes, I think he could find it out
11 for us.
12   Q   Okay, great.
13   What about the operating system on the IBM
14 iSeries, do we have that information on this document?
15   A   I believe from what I see here the operating
16 system version -- not that I see on here, no.
17   MR. STRAPP: Could we inquire about that as
18 well? I know I'm adding to a long list here, but this
19 is information we would like to get today during this
20 -- before the demonstration begins so we understand
21 what it is that we're seeing.
22   Q   So let's go back to page 4. We were talking

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1   about the HP-UX, HP UNIX server on which the 5.0 and
2   6.0 systems will be running today. They're going to
3   be running on a model number RP3440, right?
4   A   That is correct.
5   Q   And there are four internal processors
6   running on that HP UNIX server?
7   A   Yes.
8   Q   Do you know what kind of processors are
9   running on that server?
10   A   Not exactly. I assume they are a Pentium
11 chip processor, but I do not know for what piece that
12 would be.
13   Q   And the IBM iSeries, the system name for
14 that server is USSPI004, correct?
15   A   That is correct.
16   Q   And, again, that's a Lawson -- Lawson has
17 given it that system name, right?
18   A   Yes.
19   Q   The model number is 9406-520, correct?
20   A   That is correct.
21   Q   And it's got two processors?
22   A   (Nodding head.)

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1   Q   Do you know what kind of processors are
2   running on the IBM iSeries server?
3   A   No.
4   Q   What -- what other purposes besides the
5   demonstration today does Lawson use that IBM iSeries
6   server for that's located in its corporate
7   headquarters?
8   A   I don't know what other purposes it uses it
9   for.
10   Q   Do you know what kind of Lawson Software
11 runs on the IBM iSeries server besides the 6.1 version
12 that you're going to be demonstrating today?
13   A   All of our versions of our software run on
14 an iSeries, so there's a 9.0 and a 9.1 series of
15 release systems out there within Lawson. There are a
16 few that -- generally available products are out on
17 that product also.
18   Q   You had stated earlier that the 6.0 version
19 of Lawson Software you believe was generally available
20 approximately summer of 1993; is that correct?
21   A   That's correct.
22   Q   If I wanted to look at a document that would

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1   verify the precise date on which that version went
2   commercially available or generally available, what
3   document would I look at?
4   A   I don't know.
5   Q   Do you know if a document like that would
6   exist if you wanted to go back and do some research to
7   figure out the precise date it was generally
8   available?
9   A   I don't have one personally and I don't know
10 where to get one.
11   Q   Is that something that you looked into when
12 you were preparing for the deposition?
13   A   Yes.
14   Q   And you were unsuccessful in trying to -- in
15 finding documentation that would give you a precise
16 date?
17   A   That is correct.
18   Q   Can you tell me where you looked?
19   A   I asked legal counsel at Lawson if they had
20 one, and I did not receive any. And I also asked for
21 any documentation that we might have on the -- on the
22 release of those products from a standpoint of

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11 (Pages 41 to 44)

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1   marketing's release dates. They don't have any.
2   Q   Is there anyone still employed by Lawson
3   that was involved and had responsibility about
4   planning the specific release date for the 6.0
5   version?
6   A   Not that I know of.
7   Q   Do you know who it was at Lawson or who --
8   which people at Lawson would have been involved in the
9   planning and the rollout and the timing of the
10 specific release for the 6.0 version?
11   A   For procurement specifically, it would have
12 been Gary Lawson.
13   Q   Gary Lawson?
14   A   That is correct.
15   Q   Is that -- is that Richard Lawson's brother?
16   A   No, Gary Lawson is Richard's nephew.
17   Q   Nephew. And he's no longer employed by
18 Lawson?
19   A   That is correct.
20   Q   What were his responsibilities at Lawson
21 Software back in 1993?
22   A   He was the development team manager that

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1   developed the new procurement system, and he was
2   responsible for its development, its beta sites and
3   its acceptability for general availability.
4   Q   Did you try to reach out to Gary Lawson to
5   find out when version 6.0 was generally available?
6   A   No.
7   Q   Do you know where he's employed now?
8   A   No.
9   Q   Okay. Turning back to this document you
10 have in front of you, Hvass Exhibit 2, were the
11 interfaces placed on your computer at Lawson last
12 Thursday interfaces that allowed you to access the
13 systems that you will be demonstrating today as they
14 ran on these two different servers?
15   A   Yes.
16   Q   The HP -- yes?
17   A   Uh-hmm.
18   Q   And let's look at the first page of the
19 document.
20   A   Uh-hmm.
21   Q   The first page of the document, it has a
22 subheading, it says, "HP UNIX." And underneath that

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1   subheading it states, "5.0 applications on UNIX
2   Universe 2.0 from 1993 (environment:20 product
3   line:cobdeliv)."
4   A   Uh-hmm.
5   Q   Can you explain for me what that -- what
6   that means?
7   A   Okay, first of all, there's a 5.0
8   application, so that's the applications that were
9   running. There's an underlying software technology
10 that -- that runs this -- these applications, and
11 that's called Universe. And this was the 2.0 Universe
12 from 1993.
13   One thing that's important to remember is
14 that an application can run under multiple Universes.
15 This is the Universe 2.0 from 1993, which is not to be
16 confused with the 5.0 applications because they could
17 be from an earlier date.
18   Environment 20 product line is a product
19 line -- we put all our systems into what we call an
20 environment. And the product line specifically is a
21 label to where we keep the system is in COBOL
22 development because that is what the products are

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1   developed in, COBOL. So that's what that first line
2   means.
3   Q   What do you mean by you put your products in
4   an environment, or you put your systems into what you
5   call an environment?
6   A   Okay, well, in this case the UNIX system,
7   the UNIX system is an open operating system, and UNIX
8   is in such a way that you can have many things working
9   in UNIX. So Lawson as part of its development put
10 together an environment so we could do printing, we
11 could do remote job connections, we could do file
12 transfers in an environment that made it commercially
13 acceptable. And that's what this Universe UNIX does.
14 It puts it in an environment -- an environment that
15 makes it usable by our end users and the MIS -- and
16 the MIS community as a viable product, otherwise it
17 wouldn't run at all in UNIX.
18   Q   What is the UNIX Universe 2.0?
19   A   It's a supporting set of pieces of software
20 that makes our applications run.
21   Q   When you were working at Lawson back in the
22 early '90s and demonstrating for potential customers

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12 (Pages 45 to 48)

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1 the Lawson 5.0 software, what kind of UNIX Universe
2 did you run the 5.0 -- Lawson Software 5.0
3 applications on?
4   A   There was never -- there was a version
5 number of it, which I don't remember what it is, but
6 it was -- it was called UNIX Universe and it ran our
7 applications.
8   Q   So you don't know whether it was 2.0 or some
9 other version?
10   A   No.
11   Q   When did UNIX Universe 2.0 first become
12 generally available?
13   A   I don't know the specific date. I mean,
14 it's '93 or prior because they have the date on here,
15 and I also have transactions in the system I will be
16 showing that shows it's from 1993, September
17 specifically.
18   Q   Okay. So how is it that you date UNIX
19 Universe 2.0 to September 1993, the one -- the UNIX
20 Universe upon which the 5.0 applications will be
21 running?
22   A   Roger knows the date and that's what he

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1 supplied here.
2   Q   How does he know the date?
3   A   I don't know how he knows the date
4 specifically.
5   Q   I guess what I'm trying to get at is, is
6 that a specific date on which UNIX Universe 2.0 was
7 made generally available or is that a specific date on
8 which these versions of the Lawson 5.0 software was
9 made generally available?
10   A   This has nothing to do with generally
11 availability of the applications. It has the date of
12 the system compile most likely on what we're running,
13 so it has probably a 1993 compile date of Universe,
14 and that's what he's telling us here.
15   Q   Okay. What do you mean by compile date
16 versus system compile?
17   A   When we build the system, we have to compile
18 the applications and the Universe pieces to make it
19 run. And so the system when it's delivered is
20 constructed. And what he's telling us here is this
21 was constructed in 1993 on the 2.0 Universe running
22 5.0 applications.

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1   Q   It was -- was it constructed for a
2 particular customer back in 1993?
3   A   No, this was our -- actually our development
4 machine. This is where we developed applications
5 with. And it was used as a developing and then after
6 it goes GA as a support system, so we'll test systems
7 there, put patches in and so on.
8   Q   Okay. So this is not a system, the one
9 you'll be demonstrating today, Lawson 5.0, this isn't
10 a system that was ever run by a customer, correct?
11   A   No, it's the code that a customer would get
12 because that's what we deliver our code from is from
13 development to a machine for general delivery. So
14 it's the same code, but this machine -- this code was
15 never delivered to a customer per se.
16   Q   So code was developed on this machine and
17 compiled in September 1993; and then that code was
18 copied and provided to customers when they licensed
19 the 5.0 software?
20   A   That or prior to 1993. This is just the
21 date when this version was done.
22   Q   Right. The version we're looking at today.

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1   A   That is correct.
2   Q   Do you know who was involved in compiling
3 this particular set of Lawson 5.0 applications back in
4 1993?
5   A   I have no -- no, I don't.
6   Q   Did you have any involvement in that?
7   A   No.
8   Q   Did Roger Shimada have any involvement?
9   A   I do not know.
10   Q   Will you be able to provide us with
11 information today, actually show us during the
12 demonstration, the directories and file listings that
13 show us the date on which -- the date on which the
14 files are running, the applications running in 5.0
15 were compiled?
16   A   No, I don't have access to that information.
17   Q   Who has access to that information?
18   A   Roger Shimada.
19   Q   Is there a way that you can use your
20 VPN/Internet connection today to port into a directory
21 that Roger would make available to us so that we could
22 see a listing of the dates that the files were

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1 compiled and last modified?

2 **A   That might be possible, but I -- Roger would**

3 **have to supply that.**

4 Q   Could we check at the break to see whether

5 that's possible because that's important for us to

6 determine today.

7 **A   I can check, yes.**

8 Q   And that same request goes for each of the

9 different systems that you'll be demonstrating today.

10 **A   Right. I have the ones for the AS/400, the**

11 **iSeries with us.**

12 Q   Okay. You have those directories available?

13 **A   Yes, I'll show you the conversion compiles.**

14 Q   So -- and AS/400 is the one in which the 6.1

15 subsystem will be running?

16 **A   Yes.**

17 Q   So for the 6.1 system, you can show us

18 sitting here right now the directories and files that

19 will provide us with the dates the files were compiled

20 and last modified?

21 **A   That's correct.**

22 Q   But for 5.0 and 6.0, you'll need to check

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1 with Roger at the break to see whether we can get

2 access to that at some point today?

3 **A   Yes.**

4 Q   Okay. So let me -- let me go back. You

5 already testified a bit about this, but in the

6 parentheses on that first line it says,

7 "Environment:20 product line:cobdeliv."

8 I'm sorry to ask you again, but can you

9 explain for me what's in that parentheses and how it

10 relates to the 5.0 applications we're going to be

11 viewing today?

12 **A   It just tells you -- product line is where**

13 **we -- where we store source and object codes. I don't**

14 **know what the 20 product line means, but it's -- it's**

15 **a place in the system for the environment that he put**

16 **these -- these 5.0 systems within and he labeled it**

17 **COBOL delivery.**

18 Q   When were the source code and object code in

19 the product line that you're going to be showing us

20 today for 5.0 --

21 **A   The source code comes from 1993. The actual**

22 **objects were compiled as part of this -- to build this**

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1 **demonstration last week.**

2 Q   Okay. Can you tell me about the process of

3 compiling the objects to build the demonstration that

4 you're going to be providing to us later today?

5 **A   What happens is there's a run command that**

6 **takes the source code by application, so purchase**

7 **order 20, purchase order 30, the actual applications,**

8 **and runs them through a compiler, checks their syntax.**

9 **If it's valid, it makes the object that is running.**

10 **That's what was compiled by Roger last week to get**

11 **these systems up and running.**

12 Q   What kind of compiler did Roger use last

13 week to build the demonstration that we're going to

14 see later today?

15 **A   If you look at page 2 down about**

16 **three-quarters of the way, you'll see a command called**

17 **COBDIR. And that's the root directory for a**

18 **MicroFocus COBOL compiler. That's what we compiled it**

19 **with.**

20 Q   Is that a compiler that Lawson has at its

21 premises in St. Paul?

22 **A   Yes.**

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1 Q   And what's the -- do you know what the

2 manufacture date of that compiler is?

3 **A   I don't know the specific date, but**

4 **MicroFocus COBOL is what we write our systems in, and**

5 **that is the compiler that we've used since the mid**

6 **1980s to compile all of our software in the COBOL**

7 **version.**

8 Q   Is that the same compiler that was used to

9 build the demonstrations for 5.0, 6.0 and 6.1?

10 **A   Yes.**

11 Q   And Roger built those demonstrations for

12 each of the three systems last week?

13 **A   Yes.**

14 Q   So the source code that was used to build

15 the demonstration for the 5.0 applications was written

16 in 1993, correct?

17 **A   That is not correct.**

18 Q   Okay. I must have misunderstood.

19 When was the source code that is in this

20 product line for the 5.0 applications written?

21 **A   That would go at least back to September of**

22 **1991.**

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14 (Pages 53 to 56)

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1   Q   Okay. So the source code was written in
2 September of 1991 for the 5.0 applications, and how --
3 is that correct?
4   **A   And prior to that because you just don't**
5 **write them all in one day.**
6   Q   Right.
7   **A   Or one month.**
8   Q   But it was completed by September 1991;
9 that's your understanding?
10   **A   It was at least before that date because**
11 **that's what my data shows of when data was put into**
12 **these compiled programs.**
13   Q   And what data shows that the source code for
14 version 5.0 was completed by September 1991 or at
15 least by September 1991?
16   **A   The vendor master files show their update**
17 **was a date of origin from September of 1991.**
18   Q   Which vendor master files?
19   **A   The 5.0 vendor master files from accounts**
20 **payable 10.**
21   Q   Is that something that we're going to be
22 able to view today?

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1   **A   Yes.**
2   Q   And when was the source code for the version
3 5.0 applications that you're going to demonstrate
4 today last modified?
5   **A   I have no idea.**
6   Q   Is there any way to determine that date?
7   **A   No, there is not.**
8   Q   So it's possible that the source code that's
9 going to be -- the source code underlying the 5.0
10 applications for Lawson Software 5.0 procurement
11 modules that you will demonstrate today was modified
12 after 1991, correct?
13   **A   Roger Shimada could tell you the last dates**
14 **of when any source code was changed based on the**
15 **source code record. And that would be a good source**
16 **to get that information from.**
17   MR. STRAPP: Okay. So another request to
18 your counsel would be to see if we could determine
19 that information at the break.
20   Q   Going back to the compiler, can you tell me
21 the version number for the MicroFocus COBOL compiler
22 used to compile the objects that will be demonstrated

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1 today?
2   **A   Roger could give that.**
3   MR. STRAPP: One more request for counsel to
4 add to the list.
5   **A   There is on page 3, it tells you the --**
6 **that's an ANSI C compiler, but it also tells you the**
7 **ANSI C compiler versions. Well, it tells you**
8 **MicroFocus Server Express version 2.2 service patent**
9 **1.**
10   Q   Okay.
11   **A   So those are the actual pieces that were on**
12 **the machine that were used to compile this with.**
13   **It will tell you the operating system, the**
14 **UNIX base, the ANCI development bundle for C, the**
15 **compiler for C and for MicroFocus.**
16   Q   All right. So the operating system running
17 on the MicroFocus COBOL compiler is which operating
18 system?
19   **A   The HP-UX 11i is the operating system for**
20 **the hardware which then runs the ANCI C compiler and**
21 **the MicroFocus compiler, and those are the specific**
22 **versions that were on our run-time machine for the**

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1 **HP-UX 11.11 machine.**
2   Q   Is that the same thing or different than the
3 HP-UX UNIX server on which the 5.0 and 6.0
4 applications will be running today?
5   **A   It's the same machine.**
6   Q   So it's a HP-UX 11.11 server?
7   **A   Right. That's the operating system, not the**
8 **hardware. Okay? This is -- the HP-UX 11.11 is the**
9 **operating environment. That's the operating system.**
10   Q   Do you know when that operating system was
11 first available, the 11.11 operating system?
12   **A   No.**
13   Q   All right. Let's turn back to the first
14 page of the document, and the second line under the HP
15 UNIX subheading, it states, "Two versions of 5.0
16 applications on UNIX Universe 2.1 from 1995
17 (environment:50 product lines:support, cyclical)."
18   Can you explain for me what that means,
19 please?
20   **A   Those are also other 5.0 applications**
21 **running on a -- on a newer Universe system, 2.1. That**
22 **was from 1995. Their environment is the dot 5.0**

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1   product line and they're called support and cyclical.
2   Q   Okay. Which 5.0 applications are running on
3   the UNIX -- which 5.0 applications that you will be
4   demonstrating today are running on the UNIX Universe
5   2.0 environment from 1993?
6   A   That's the ones I will be showing. I'll be
7   showing specifically the support product line.
8   Q   Well, I'm trying to differentiate between
9   the first line under the subheading that talks about
10   5.0 applications on UNIX Universe 2.0 and the second
11   line that talks about the two versions of the 5.0
12   applications on UNIX Universe 2.1 from 1995.
13   So I want you to break into two categories
14   the applications we'll see today from -- that will be
15   from Lawson 5.0 that will be running on UNIX Universe
16   2.0 and the applications that we'll see from Lawson
17   5.0 that will be running on UNIX Universe 2.1.
18   A   I am going to be showing the support product
19   line from UNIX Universe 2.1 from 1995 because that had
20   the best data. It's exactly the same applications as
21   the 5.0 applications on Universe 2.0. It's just from
22   a later date because it had -- because now the product

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1   had been GA'd and we had developed a support and
2   cyclical database area, and that support area had the
3   best data, so I asked Roger, give me a system with
4   data so I don't have to build it again. And that's
5   what he did in the system development area.
6   Q   What kind of information is contained in the
7   support product line for the 5.0 applications?
8   A   It's exactly the same applications, but
9   there's data that was used by our support staff and
10   cyclical staffs to test and support our clients. In
11   the support area, it's to answer questions.
12   So when a -- when a system is written, it
13   would be written in a development area. But then once
14   it goes generally acceptable, it moves into
15   environment of support and update. And that's what
16   that support and cyclical area, why I requested it is
17   because it has data that works versus a development
18   area. They're just developing code, and the data is
19   not very good from a presentation explanation
20   standpoint.
21   But the 5.0 on the first line of UNIX
22   Universe 2.0 and the 5.0 applications in UNIX Universe

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1   2.1 are the same systems.
2   Q   So what's the difference in the data in the
3   systems? Why is it the data in the 5.0 running on the
4   2.0 UNIX Universe is not very good from a presentation
5   and explanation standpoint?
6   A   Because developers could care less about
7   having good data. They'll put in just figures like
8   one or X, and it's really hard to understand an
9   address when you just have an X in it. So what I
10   requested was Roger to get this other system so I had
11   good data that made more sense in a presentation like
12   today.
13   Q   Okay. So is it accurate to say then that
14   the data that will be -- that you will be
15   demonstrating for the -- the data that you will be
16   demonstrating contained in the Lawson Software 5.0
17   applications is data that dates from 1995?
18   A   It goes back to 1993, September, that data
19   does.
20   Q   I thought you just said that the data that
21   was available in the 1993 UNIX Universe 2.0
22   environment was not good data from a presentation

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1   standpoint so you wanted to use the data from the
2   1995?
3   A   Right, I could look, but a lot -- a lot of
4   the data is there. I added data and also the data
5   that was there does precede -- again, remember, the
6   5.0 applications can have data within them and they
7   put a new Universe on over time to upgrade the
8   Universe. It doesn't change the data. It just
9   changes the underlying structure. So we can look at
10   that data, but that data could well be in '94 and '93.
11   Q   You just said -- is it correct that you just
12   said that you added some of this data yourself last
13   week?
14   A   Yes, I added some more data so I could have
15   it be more -- make more sense from a presentation
16   standpoint.
17   Q   Okay. So what kind of data did you add to
18   the Lawson Software 5.0 systems last week that we're
19   going -- that you will be demonstrating today?
20   A   I added item numbers in. I also added
21   classes and subclasses of data into the system. I
22   added some purchase orders. I added some

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1   requisitions.
2   Q   Anything else?
3   A   That was the major part of it.
4   Q   Did Roger Shimada add any data into the
5   system over the past week?
6   A   No, no.
7   Q   Did you add any data over the past week into
8   the 6.0 system that you're going to be demonstrating
9   today?
10   A   Yes.
11   Q   What data did you add this past week into
12   the 6.0 system that you're going to be demonstrating
13   today?
14   A   The same ones I did in 6.0, 5.0 and 6.1, so
15   I had a common theme of item 101, 102, here's the
16   generic searches, here's the major and minor class
17   searches, so that they would be operational from a
18   data perspective.
19   Q   Okay. So the data that you added in is
20   consistent -- you added the same data into 5.0, 6.0
21   and 6.1 systems over the past week.
22   A   That is correct.

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1   Q   And you're going to demonstrate for us these
2   systems today, correct?
3   A   That's correct.
4   Q   And would you be able to tell while you're
5   demonstrating these systems which data in the systems
6   was added by you over the past week?
7   A   Yes.
8   Q   And in addition to the data that you added,
9   there's also other data in the system, correct?
10   A   That is correct.
11   Q   And what -- what's the date on which that
12   data originated; when was that data created?
13   A   You'll see -- you'll see when I go back to
14   the vendor master the different origin dates. That
15   tells me when people are adding data from our support
16   group or our development group or from our cyclical
17   groups.
18   Q   And so does that give you the date on which
19   the data was added into that particular system or is
20   it possible that the data was added into a particular
21   system and then copied and added to a different system
22   at a later date?

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1   A   I can't specify that. There's no way for me
2   to know if it was copied to another system or from
3   another system.
4   Q   So the date that appears from this vendor
5   master origin date, what exactly does that tell you?
6   A   It tells me the date it was keyed into the
7   system.
8   Q   And -- into the system that -- so, for
9   example, if we're looking at data in the 5.0 system
10   that you demonstrate today and the vendor master
11   origin date says 1994 for that data, and it gives it a
12   specific date, you can know with certainty sitting
13   here today that that's the date on which that data was
14   keyed into this 5.0 system?
15   A   Yes.
16   Q   Okay. And so if we look at the vendor
17   master origin date for the data that you added in over
18   the past week, it will have some date within the past
19   week?
20   A   That is correct.
21   Q   All right. Earlier you mentioned that there
22   were support groups and cyclical groups.

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1   A   That's correct.
2   Q   Can you tell me what the purposes and nature
3   of those groups were?
4   A   When Lawson puts -- when a system goes into
5   general availability, we have to have machines that
6   our users can get on, meaning our -- our support
7   staffs can get on to test and run the systems and to
8   -- if someone gets a question, they can come on that
9   system, review it, and talk with a client over the
10   phone or in face-to-face consultation.
11   So we'll -- we'll develop a system or an
12   area of a system called support, and that's what that
13   group will be signed on to and work with that machine.
14   The same thing will happen with the cyclical. We'll
15   take all the enhancements and the bugs and just
16   general things that need cleanup in a system, and that
17   will go out on a cyclical basis, three to six months
18   every year depending on what the nature is. And those
19   get tested on a separate environment so it's
20   consistent and we'll make up another environment
21   called cyclical to store those on. And those are used
22   generally by developers to -- to put the pieces

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1   together and say, okay, this is the cyclical, here's

2   what it contains, it's been tested, and now it's going

3   to be the next thing sent out to our user community as

4   an -- as the next release of the system so they can

5   get the enhancements and fixes that they want on

6   our -- on our systems.

7   Q   You state -- this document states that

8   there's two versions of 5.0 applications on the UNIX

9   Universe 2.1. And you mentioned that those are

10 support and cyclical?

11   A   They're the same version of the applications

12 --

13   Q   Right.

14   A   -- it's just a different place for data and

15 access, but it's the same 5.0 applications. There

16 will be no difference between them except for what the

17 cyclicals have added, but support will be the same

18 thing that's -- what is delivered to our clients.

19 It's just a place so our support staff can run the

20 systems without interfering with some other group

21 within our corporation.

22   Q   Okay. And I know you've explained this

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1   before, but if you could try one more time.

2   A   Sure, go ahead.

3   Q   Why is it that you decided that it's in the

4   best interest -- it's in our best interest today to

5   see both 5.0 applications running on a UNIX Universe

6   2.0 and 5.0 applications running on UNIX Universe 2.1?

7   A   It wasn't your best interest. It was in my

8   preparation's best interest. I could take a long time

9   to develop a system in that area.

10   Q   So explain a little bit more.

11   A   Well, when I go into a system, and a

12 development system especially, it's not always a full

13 implementation of a system, so I have to go back

14 through and set all of that up. That takes -- it can

15 take a tremendous amount of time potentially. So I

16 said do you have a system that has everything set up.

17 They said, sure, we have a support system because our

18 support staff sets those things up so they can test

19 and train and those things. So that's what they gave

20 me.

21   Q   So the support system for the Lawson 5.0

22 applications that you're going to demonstrate that had

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1   everything set up was the system running in the UNIX

2   Universe 2.1 environment from 1995, correct?

3   A   That is correct.

4   Q   And when specifically within 1995 does this

5   date from?

6   A   I don't know.

7   Q   Will we be able to tell that when you run

8   the demonstration?

9   A   Most likely not a specific date. It will

10 just have the date of those date of origins.

11   Q   When you send out to your customers, Lawson

12 customers, a Lawson package of procurement software

13 with the 5.0 release version, would you send out the

14 support version or the pre-support version if you were

15 sending it to a customer in 1995?

16   A   It would be a cyclical delivery version but

17 not the support version because that's -- that's a

18 specific one by our support team. The object and

19 source code would be the same. It's that we don't

20 give data out to our users with a support group we

21 have in that system.

22   Q   Okay. So when it would be sent -- when the

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1   cyclical delivery version of 5.0 would be sent to a

2   Lawson customer, that would be the version we're going

3   to see later today that's running on the UNIX Universe

4   2.1 for 1995, correct?

5   A   That is correct.

6   Q   Let's go down to the next line, the 6.0 and

7   6.1 applications. It states, "6.0 and 6.1

8   applications on UNIX Universe 2.1 from 1995

9   (environment:61 product lines:WIP 60, sup 61)." Can

10 you explain for me what that means, please?

11   A   Now we're talking about our 6.0 and 6.1

12 applications on the supporting subsystem UNIX Universe

13 2.1 from 1995. Its environment is called 6.1, and

14 that's the underlying designation. And within that

15 area, below that are two product lines, WIP, which is

16 most likely work in progress, 6.0. So it's a 6.0

17 system running. Then there's sup for support 6.1

18 running the 6.1 version of the Lawson systems.

19   So what it's telling me there is six -- I

20 have two application sets, 6.0 and 6.1 in UNIX

21 Universe. Its environment -- and environments can --

22 there's multiples on a machine. This is the same

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18 (Pages 69 to 72)

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1 machine with a 2.0 environment, a 5.0 environment and
2 a 6.1 environment. There's two product lines under
3 that, the WIP 6.0 and the support 6.1. They're just
4 environments that are running, again, the 6.0 and 6.1
5 versions of Lawson.
6   Q   Okay. Which particular modules of the 6.0
7 and 6.1 software will be running on the UNIX Universe
8 2.1?
9   A   All of them.
10   Q   Including all of the procurement modules?
11   A   That is correct.
12   Q   And what's the difference between the 6.1
13 procurement modules that will be running -- that
14 you'll demonstrate on the UNIX Universe 2.1 and the
15 6.1 procurement modules that will be demonstrated on
16 the AS/400 Universe system?
17   A   The look and feel is the same or -- the look
18 and feel is different from the presentation layer, but
19 the baseline application is virtually identical. And
20 I can show you this as I go through the presentation.
21   Q   Okay.
22   A   But the presentation layer is much different

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1 than an IBM system versus a UNIX system.
2   Q   All right. You said that the WIP60, where
3 we were just looking in the document, probably stands
4 for work in progress 6.0; is that correct?
5   A   That's what I'm thinking it would be.
6   Q   And does that mean that the version of the
7 Lawson Software 6.0 that we'll be -- that you will be
8 demonstrating later today running on UNIX Universe 2.1
9 is a version that was in progress and not generally or
10 commercially available?
11   A   I don't know. I can't tell from that name.
12   Q   Is that something that Roger would know?
13   A   He might.
14   Q   Let's ask him at the break, too.
15   Do you know when in 1995 this UNIX Universe
16 2.1 environment was available?
17   A   No.
18   Q   Let's finish up this page here. The IBM
19 iSeries server, it states: "6.1 applications on AS/400
20 Universe 6.2 apparently from 1999." Explain for me
21 what that means, please.
22   A   The 6.1 is the application level. AS/400 is

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1 the hardware; and the Universe under -- just like UNIX
2 has -- there's a Universe system for the AS/400. 6.2
3 is the release version of that AS/400 Universe. And
4 it's from 1999.
5   Q   And it states on this document, "Apparently
6 from 1999."
7   What does that mean to you? You think it's
8 from 1999?
9   A   The dates on the screens, if you want to
10 have that are, from 1999. For a compilation date, it
11 shows the source code from 1998.
12   Q   Okay. So the source code in the 6.1
13 application that you're going to demonstrate today on
14 the IBM i server appears to have been completed in
15 1998?
16   A   That was the source release date for that
17 machine. When it's completed, it might be that date,
18 it could be earlier.
19   Q   So what does a source release date mean to
20 you?
21   A   A source release date is the -- is the date
22 when that source had its final time of being written.

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1 And at this point in Lawson's time frame, the UNIX
2 versions were released a year to two years ahead of
3 the AS/400 versions.
4   When the AS/400 version came out, they're
5 virtually identical in function, but they were based
6 on the COBOL code that was developed in the UNIX.
7   Q   Okay. So if the source release date for the
8 6.1 applications that we're going to view on the
9 AS/400 running on the IBM i server today, the source
10 release date is 1998?
11   A   '98.
12   Q   And then would it be correct to say that the
13 source release date for the source code for the 6.0
14 and 6.1 applications running on UNIX Universe 2.1 was
15 approximately 1997 or 1996?
16   A   No, it's much earlier because, remember, it
17 was up to two years ahead of time.
18   Q   Well, didn't you say that the UNIX versions
19 were released a year to two years ahead of the AS/400
20 versions?
21   A   That's correct.
22   Q   And if -- didn't you also say that the

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19 (Pages 73 to 76)

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1 source release date for the AS/400 version was 1998?
2 **A For this one.**
3 Q Correct.
4 **A On that specific machine.**
5 Q Right.
6 **A It doesn't mean that the GA date could be a**
7 **year or two years prior to that, and I don't know what**
8 **it is. I know on the UNIX one, the dates were, for**
9 **6.1, were in '94. In '93 for the -- remember I was**
10 **doing work on 6.0 development in '92. In '93 the**
11 **product GA. The AS/400 version would be sometime a**
12 **year to two years later most likely. I do not know**
13 **the specific date of that from the AS/400 perspective.**
14 Q So the AS/400 GA or generally available date
15 for the 6.1 version of Lawson Software, in your -- to
16 your best estimation would have been sometime in 1994
17 or 1995?
18 **A In '95 or '96.**
19 Q 1995 or 1996?
20 **A That's correct.**
21   MR. STRAPP: Why don't we take a break here
22 for a couple minutes.

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1   MR. SCHULTZ: Okay.
2   THE VIDEOGRAPHER: Going off the record.
3 The time is 11:28 a.m.
4   (A brief recess was taken.)
5   THE VIDEOGRAPHER: Go ahead.
6 BY MR. STRAPP:
7 Q Before the break, we were talking about the
8 Hvass Exhibit 2. And if you can take that document
9 out in front of you again. I had some additional
10 questions. First, you stated earlier that certain of
11 the Lawson 6.1 applications you will demonstrate later
12 today will be running on an IBM i server AS/400
13 Universe 6.2, correct?
14 **A That is correct.**
15 Q The AS/400 is the name of the -- model name
16 of the computer?
17 **A The computer's actually an iSeries computer.**
18 Q And what does the AS/400 refer to?
19 **A The AS/400 is the predecessor version of the**
20 **iSeries by IBM. And in the 6.1 time frame, it was**
21 **called an AS/400. So the terminology at Lawson is**
22 **this AS/400 version, which is the now running and**

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1 **hardware-wise on an iSeries computer. It's exactly**
2 **the same operating system and computer. It's just a**
3 **different model number.**
4 Q What operating system is running on it?
5 **A Do you want me to pull out those screens or**
6 **not at this point? It's up to you. It's running --**
7 **hold on. It's running in this case. Let's look at**
8 **the page number. It doesn't even -- it's the AS/400**
9 **operating system. I'm not sure there's a name of it.**
10 **There's only one of them. There's version numbers for**
11 **it.**
12 Q Right. So what version number is it?
13 **A I'm waiting for counsel to make a decision.**
14   MR. SCHULTZ: Why don't we go off the record
15 for a minute.
16   THE VIDEOGRAPHER: Going off the record.
17 The time is 11:54 a.m.
18   (Discussion off the record.)
19   THE VIDEOGRAPHER: Back on the record. The
20 time is 12:00 p.m.
21   (Exhibit 3 was marked for identification and
22 attached to the deposition transcript.)

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1 BY MR. STRAPP:
2 Q So Mr. Hvass, the court reporter has handed
3 you what's been marked as Hvass Exhibit 3. This is a
4 document we received just now from Lawson counsel, and
5 it appears to be an e-mail that was sent to you this
6 past Thursday by Bob Geiger with the subject line
7 "ePlus patent litigation-6.1 RQ program compiled
8 information."
9   Can you describe for me -- first of all, are
10 you familiar with this document?
11 **A Yes, I am.**
12 Q Can you tell me what it is?
13 **A It's a -- they're screen shots of the actual**
14 **displays for the iSeries machine which our**
15 **demonstration system is running on.**
16 Q Are these shots of screens that we will be
17 able to see while you demonstrate the software today?
18 **A No, I'm -- these are secured for a system**
19 **operator only.**
20 Q Okay. And you're not considered a system
21 operator when you're running this today?
22 **A No, I'm not.**

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1   Q   What is a system operator in Lawson lingo?
2   **A   It's a person who has access to the actual**
3   **machine resources to configure the actual operating**
4   **system, its libraries and controls. And it's a highly**
5   **secured-out function that very few people would have**
6   **at Lawson. Bob has that, and that's why I asked him**
7   **to get the screen shots so they could be used to help**
8   **us, you know, show you what version of the software**
9   **we're on and what operating system.**
10   Q   Is the system operator someone at Lawson who
11   has the ability to check in and check out new source
12   code into the Lawson master source code library?
13   **A   They could have that.**
14   Q   What kind of assistance did Bob Geiger
15   provide in compiling the object code for the
16   demonstrations that you'll be showing today?
17   **A   He was the person who did it for the AS/400**
18   **version.**
19   Q   Okay. And who is the person who did it for
20   the HP UNIX server?
21   **A   Roger Shimada did it.**
22   Q   Okay. So does this e-mail inform you about

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1   the particular version of the AS/400 -- actually, it's
2   really inappropriate to call it the AS/400, right?
3   It's really an IBM i server, correct?
4   **A   It's an IBM i server running the OS/400**
5   **operating system.**
6   Q   Right. So it's not an AS/400 server?
7   **A   No. It is technically an iSeries computer**
8   **now.**
9   Q   Okay. So when you refer to an AS/400 server
10   in the Exhibit 2 that we looked at earlier, that is a
11   server that was in existence when 6.1 was generally
12   available but it's no longer the server on which 6.1
13   is running that you'll be demonstrating today?
14   **A   Right. The AS/400 is a machine that's no**
15   **longer sold as a current computer by IBM and so Lawson**
16   **has an iSeries computer running the OS/400 operating**
17   **system.**
18   Q   And you said it's running the OS/400 V5R4 --
19   is it running the OS/400 V5R4 operating system?
20   **A   That's correct.**
21   Q   So that's version 5, release 4?
22   **A   That's correct.**

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1   Q   When was version 5, release 4 of the
2   operating -- of the OS/400 operating system generally
3   available?
4   **A   I have no -- I do not know.**
5   Q   Do you know when the first version of OS/400
6   operation system was commercially available?
7   **A   That would be 1990 -- 1988 when the system**
8   **came out.**
9   Q   And do you know when version 5 of the
10   operating -- of the OS/400 operating system was
11   commercially available?
12   **A   No.**
13   Q   If you take a look at the screen shots on
14   pages 1, 2, 3 and 4 of this document, Hvass Exhibit 3,
15   does it appear to you that the right side of each
16   screen is cut off, or is that incorrect?
17   **A   It appears it's a little bit truncated, but**
18   **there's no significant data that's missing.**
19   Q   Okay. Now, if you take a look at the first
20   line of this e-mail, Bob -- Bob Geiger, who compiled
21   the information on the IBM i server that you're going
22   to be demonstrating today, he writes: "One of Jeff's

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1   requirements is to provide information about the
2   server and programs that the Lawson 6.1 system is
3   running on for his 'demonstration'".
4   Why does he put the demonstration in quotes
5   in his line?
6   **A   I don't know. I didn't ask him.**
7   Q   Okay. Do you think that -- okay, fair
8   enough.
9   Now, when he says in the second line of his
10   e-mail, "It's running on a currently supported IBM i
11   server, does that mean that the IBM i server is
12   currently supported by Lawson today?
13   **A   Yes.**
14   Q   And this is a version -- this is IBM -- this
15   is a version of the IBM i server that you stated was
16   first available in the early 2000s?
17   **A   Somewhere in there. They came out with an**
18   **iSeries name. They changed their model numbers**
19   **because they wanted to go into this new series.**
20   **AS/400 sounded dated, so they called it the iSeries.**
21   Q   Okay. Now, it states in -- below the first
22   screen shot, "However, as you can see below, the

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21 (Pages 81 to 84)

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1   compiled object binary was created on January 29th,
2   1999, and the system level it was compiled on is the
3   very old V4R2M0 release."
4   What does "compiled object binary" refer to
5   here?
6   A   Okay, Lawson produces our code in RPG, and
7   the RPG is a source code. It goes through an RPG
8   compiler and it makes up a compiled object which is in
9   binary language, and the date is 1-29-99.
10   The VR -- or V4R2M0 is a release that was
11   compiled on of the IBM operating system. It just
12   tells them that this system has been around since 1999
13   and here's the release level it's on.
14   Q   Is the RPG compiler different than the
15   MicroFocus COBOL compiler that you referred to earlier
16   today?
17   A   Yes, it's a different language compiler.
18   Q   So was the object code for the 6.1 system
19   running on the IBM i server compiled using the RPG
20   compiler or the MicroFocus compiler?
21   A   The RPG compiler.
22   Q   And the object code for the systems that

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1   will be running on the HP UNIX was compiled using the
2   MicroFocus COBOL compiler?
3   A   Yes.
4   Q   So the object code for the 6.1 Lawson system
5   that you'll demonstrate today that's running on the
6   IBM i server was created on January 29th, 1999?
7   A   That's correct.
8   Q   And who -- who was it created by?
9   A   It was created by Ciber Technologies.
10   Q   Who is Ciber Technologies?
11   A   They're a partner of Lawson Software.
12   Q   And what -- how do they partner with Lawson
13   Software?
14   A   They do -- they do consulting on Lawson.
15   They do implementations on Lawson. They do upgrades
16   on -- for Lawson either as a partner or as a
17   subcontractor.
18   Q   And what role did they play in compiling the
19   object code for the 6.1 system that we're going to
20   demonstrate today?
21   A   They -- they had it on their machine and
22   then we got a copy of it through an FTP, which is a

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1   file transfer, of their system to our system so we
2   could have it on our system to show you today.
3   Q   When did that FTP occur?
4   A   From my understanding, it was some --
5   sometime in April.
6   Q   Okay. So is it correct to say that Ciber
7   compiled the object code for the 6.1 system you'll be
8   demonstrating today back in January of 1999, and then
9   sometime in April 2010 that code was sent via FTP to
10   Lawson Software?
11   A   That's correct.
12   Q   What's the version and date of the -- well,
13   what's -- what's the version of the RPG compiler that
14   was used to compile the object code for the 6.1 system
15   that you're demonstrating running on the IBM i server?
16   A   I don't know.
17   Q   What's the date that that RPG compiler was
18   commercially available?
19   A   I don't know that either. Well, there is --
20   hold on here. There is a compiler number on screen 4
21   or page 4. It says there's a compiler, and if you
22   look on the third line on the -- of the data compiler,

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1   it has a version number 5769RG1 V4R2M0.
2   Q   Okay. So that's the same compiler number,
3   version number, if you look at page 1 in the text,
4   right?
5   A   That's correct.
6   Q   So it's -- it's version 4, release 2M0 --
7   A   Right.
8   Q   -- of the RPG compiler?
9   A   That's correct.
10   Q   Now, in the next paragraph on page 1 after
11   the paragraph we looked at, it states, "Also" -- it
12   states, "Also, the actual compile date of an example
13   RQ program will be helpful (including the source file
14   change date/time, the program creation date/time, and
15   the earliest release that program can run)," et
16   cetera.
17   So is this information about the R -- an
18   example of an RQ program information that you and
19   others attempted to compile for purposes of the
20   demonstration today?
21   A   No, Bob put that in there. I -- he just put
22   this in there also the actual compile date of an

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22 (Pages 85 to 88)

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1   example RQ program. If you look at page 2, he's
2   actually done that, and he put -- he's -- look at the
3   RQ10 program and it tells you down at the last three
4   or four lines of the data creation date, source file
5   date and time. And then the compile -- the system
6   level and compiler again. So that's what he -- he
7   actually included that saying, well, you -- since you
8   didn't ask for it, Jeff, I'm going to actually give
9   you one, and this screen shows the system and compiler
10 number for the requisition maintenance program is
11 compiled on, and then he -- he gives us the screen
12 itself.
13   Q   Is this the requisitions model for Lawson 6
14 point -- is this the screen shot for -- that provides
15 information about the requisitions module 6.1 that you
16 will demonstrate later today?
17   A   Yes.
18   Q   And is it accurate to say that the program
19 creation date for the requisitions module version 6.1
20 running on the IBM iSeries that you'll demonstrate
21 later today is January 29th, 1999?
22   A   That was the creation date. Then there's

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1   also the source file date which goes back to December
2   10th, 1998. Those are correct.
3   Q   Okay. And what's the difference between the
4   creation date and the source file date?
5   A   When they finish writing source code, it
6   might not be compiled for some time. In this case if
7   you look, you have roughly 29 plus 15, so 44 days
8   later this -- the actual source code was compiled on a
9   machine and became the binary source.
10   Q   And does RQ10 refer to the requisitions
11 module for version 6.1 that you will demonstrate
12 today?
13   A   Yes, in this version it does. RQ10 is the
14 requisition creation program.
15   Q   What does the third screen shot on page 3 of
16 this e-mail show?
17   A   It shows you that -- it shows you the source
18 file and the library it's in. That's that RQP program
19 source for 6.0. It's in the library they stored it in
20 in DEVDVS. It gives you a program number, a date, and
21 then some security things for user profiles, who has
22 authority in it, fixed decimal date, which I have no

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1   idea what that means, or Taraspace, which I do not
2   know. It just shows you a little bit more about what
3   they did with that program from a compilation
4   standpoint.
5   Q   Okay. If we look at the last screen shot on
6   page 4, you see there's a line on that screen shot
7   that says "earliest release that program can run,
8   V2R3M0."
9   A   Uh-hmm.
10   Q   What does that refer to?
11   A   When you compile a program, it -- you have
12 to know the earliest version level it can run on
13 because if you try to take that program and put it on
14 a computer with a prior operating system program, it
15 will fail. And so they always when they compile a
16 program saying here's the earliest version that you
17 can run it on so you know that you don't try to put it
18 on an operating system that it won't run on. So if I
19 was -- if I compile something on, you know, on version
20 3, if you try to go and use it on version 2, a prior
21 one, it will fail. And that's what that's telling
22 them there.

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1   Q   So it's saying that the earliest version of
2   what, earliest version of --
3   A   Of the operating system.
4   Q   Of which operating system?
5   A   Of the A -- AS/400/iSeries. If you -- if
6   you try to run this on anything earlier than V2R3M0,
7   it would fail.
8   Q   And do you know when V2R3M0 was commercially
9   available?
10   A   No, I don't.
11   Q   Do you have any other e-mails that you've
12 exchanged over the past week with Bob Geiger, Roger
13 Shimada, Dan Groff, Eric Kneer or Jean-Marc DeBaud
14 that concern the demonstration that you're going to be
15 providing today but do not include on them, on the
16 to/from or cc line, any Lawson attorneys?
17   A   I have some requesting, getting information
18 from the operating systems and so on.
19   Q   Do any of those e-mails provide information,
20 you know, relevant to these demonstrations?
21   A   Not that I can think of. Just the request
22 of getting the information and then when I -- when I

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23 (Pages 89 to 92)

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1   **got that information, I copied in a Lawson counsel.**
2   MR. STRAPP: My request to counsel is if
3   there's any similar e-mails like this one that contain
4   relevant information to this deposition that are not
5   privileged, we would request that they be produced.
6   MR. SCHULTZ: The only thing that we would
7   have that's in addition to this is the information
8   that's already been provided that wasn't an e-mail
9   that Mr. Hvass put into a Word document, and that's
10   Exhibit 2.
11   MR. STRAPP: Can you provide us with the
12   e-mail as well?
13   MR. SCHULTZ: Let me look to see if it has
14   any additional comments on it. At this point I'm
15   going to object -- object as attorney-client
16   privilege, but I'll look in it and I'll provide those
17   to you if -- if not.
18   Q   So before we turn back to Hvass Exhibit 2, I
19   have one more question on Hvass Exhibit 3.
20   A   Uh-hmm.
21   Q   Actually a few more questions.
22   If you take a look at the second screen shot

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1   at the bottom left, there's a copyright date for IBM
2   Corp and there's two dates, 1980 and 2005.
3   A   Right.
4   Q   What do those dates refer to?
5   A   **That's the presentation layer of how we**
6   **display our systems, and that's from IBM. It's a**
7   **utility. That's what I'll be using today.**
8   Q   What utility is that?
9   A   **It's a display utility of how they present**
10   **-- present their presentation layer of their operating**
11   **system. In our case, also how you communicate to and**
12   **from the system.**
13   Q   So the 6.1 version of Lawson running on the
14   IBM iSeries that you'll be demonstrating today is
15   running on a presentation layer or software from IBM
16   that dates from 2005; is that correct; or that has a
17   copyright date of 2005?
18   A   **Yes. And 1980.**
19   Q   And 1980. But if there's -- is it fair to
20   assume if there's two copyright dates, 1980 and 2005,
21   that the display software you're going to be using to
22   show us today the Lawson 6.1 system is either 2005 or

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1   later?
2   A   **Just the display services piece.**
3   Q   And I want to go back to make sure I've got
4   this correct. The creation date of the requisitions
5   module for Lawson 6.1 that you'll demonstrate today
6   running on IBM iSeries server is January 29th, 1999,
7   correct?
8   A   **That is correct.**
9   Q   And the source file date for the
10   requisitions module 6.1 that you'll be demonstrating
11   today running on IBM iSeries is December 15th, 1998,
12   correct?
13   A   **Correct.**
14   Q   All right. Let's look back at Hvass Exhibit
15   2. I want to turn to page 2 of Hvass Exhibit 2.
16   There's information in -- on page 2 of Hvass Exhibit 2
17   about the configuration of the Lawson 6.0 -- Lawson
18   5.0, Lawson 6.0 and 6.1 systems that you'll be
19   demonstrating today, correct?
20   A   **That is correct.**
21   Q   Can you summarize for me what that
22   information -- summarize for me the information on

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1   page 2?
2   A   **Well, it tells you there's two sources.**
3   **There's a Ciber source that was used in libraries. It**
4   **talks about the user profile and some manual**
5   **instructions.**
6   **And then there's a second part regarding the**
7   **HP-UX about the Universe variables and the COBOL**
8   **compilers. And accounts payable, the vendor master**
9   **was recompiled because it had an error in the syntax,**
10   **which Roger fixed so I could use the program.**
11   Q   All right, let's start with the Ciber
12   provided system. Is that the system -- the 6.1 system
13   what we'll be running on the IBM iSeries?
14   A   **That is correct.**
15   Q   And in what way did you restore libraries of
16   the same name that they were saved from? I'm
17   referring to the top of the page.
18   A   **It just has a date. "The Ciber provided**
19   **system will be restored to libraries of the same name**
20   **that they were saved from." So they just copied**
21   **exactly -- they called it X, we copied it into a**
22   **library and called it X again. And that just shows**

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1   you the commands that were used.
2   Q   Okay. So it exists on the Ciber system,
3   right?
4   A   It was on a Ciber system being stored, yes.
5   Q   And was it being stored on an IBM iSeries
6   server at Ciber?
7   A   Most likely.
8   Q   And the libraries were -- what does
9   libraries refer to? Are those like files?
10   A   Those are files. Those are storage areas,
11   yes.
12   Q   Okay. So the files on the Ciber system were
13   copied and then FTP'd over to Lawson?
14   A   You just do a direct FTP because it does it.
15   You don't need to copy it. You do a FTP and it
16   transfers the files verbatim onto another system.
17   Q   So why was it necessary to restore the
18   libraries or the files on the Ciber system?
19   A   Well, they might be condensed in the -- in
20   the FTP process and then we have to go back and
21   restore them for compatibility purposes.
22   Q   Do you have a list of the particular

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1   libraries that Ciber provided?
2   A   I personally don't, no.
3   Q   Do you know whether Roger Shimada or someone
4   else at Lawson has a list?
5   A   Bob Geiger could get them.
6   Q   Okay. So we could request that you try to
7   obtain those -- that list from Bob then at the next
8   break if possible.
9   All right. It says on this document here,
10   "A user profile called DE -- called DEMO61 was
11   created." That's a user profile that was created so
12   that you could use that profile to demonstrate the 6.1
13   system?
14   A   That is correct.
15   Q   Now, both for the Ciber provided system as
16   well as the system running on HP UNIX, it states that
17   an existing Lawson user was used. Do you know who
18   that existing Lawson user is?
19   A   It's not a person.
20   Q   Okay.
21   A   It's a piece of our software that's in there
22   as a default sign-on area. So I can sign on as Lawson

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1   and it grants you permissions to use the software
2   properly.
3   Q   Continue on the bottom half of the page, it
4   states, "For each instance of Universe, a number of
5   environment variables are set."
6   Does the Universe in this -- on this page
7   refer to the UNIX Universe or --
8   A   UNIX Universe in this case because he's
9   referring to the HP-UX system.
10   Q   Okay. And so for the five -- for the 5.0
11   cyclical version of Lawson Software and for the 6.0
12   and 6.1 applications that you will demonstrate later
13   today running on the HP UNIX server, this refers here
14   to UNIX Universe 2.1 from 1995?
15   A   It would be two different Universes. One is
16   the 2.0 system; one is the 2.1 system. He's saying
17   here that each instance of Universe, a number of
18   environmental variables were set.
19   Q   Oh, okay.
20   A   And that's the directories in which they
21   were set in so the system could operate.
22   Q   Are these environment variables set in the

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1   same way that they would have been set when customers
2   used the Lawson systems back in the 1990s?
3   A   Yes.
4   Q   How do you know that?
5   A   From general practice.
6   Q   When you would demonstrate these 5.0, 6.0
7   and 6.1 systems during your role demonstrating
8   software back in the 1991 to 1997 time frame, did you
9   have knowledge of how the environment variables for
10   the UNIX Universe were set?
11   A   I knew them once upon a time, and generally
12   they were set by technicians and left for the duration
13   of that software demonstration release.
14   Q   Okay. And to your knowledge, the
15   environment variables that are listed here on page 2
16   are the same way that those environment variables were
17   set when you would demonstrate the software back in
18   the 1990s?
19   A   Yes.
20   Q   It says here, "Lawson Universe shell scripts
21   were modified to use the MicroFocus COBOL installed on
22   the system."

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25 (Pages 97 to 100)

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1   In what way did the -- first of all, what is
2   a Lawson Universe shell script?
3   A   I do not know.
4   Q   Is there a similar -- you testified earlier
5   there's a library list of files that were provided
6   from Ciber, correct, from the Ciber system?
7   A   Yes.
8   Q   Is there similarly a list of files or a
9   library list for the files used for the systems that
10   you'll be demonstrating on the -- running on the HP
11   UNIX server?
12   A   There's a similar version of them that shows
13   all of our systems and databases, et cetera.
14   Q   Is that contained in a document or available
15   somewhere where we could --
16   A   It would have to be pulled off of the
17   machine that it's running in.
18   Q   Is that something that could be done by
19   either today by your demonstration or by someone back
20   at Lawson today?
21   A   Someone back at Lawson. Roger could do
22   that.

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1   MR. STRAPP: Okay. So let's make --
2   A   We have asked for the directories.
3   Q   Oh, okay, you have already requested that.
4   A   Uh-hmm.
5   Q   And that will contain all of that
6   information?
7   A   Yes, it will.
8   Q   What syntax -- do you know what syntax error
9   was corrected by changing the support product line for
10   AP10?
11   A   No.
12   Q   Do you know what a syntax error refers to in
13   this context?
14   A   Yes, in the COBOL language, when you compile
15   a program, if you're off by -- you put the wrong
16   letter in or decimal point, it will give you what they
17   call a syntax error. You correct it and recompile.
18   He was done with it in less than a minute.
19   Q   So when did you notice that syntax error?
20   A   When I was working with the software.
21   Q   And that was after it was compiled last
22   week?

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1   A   That's correct.
2   Q   So let me try to get this straight in my
3   head. The object code for the Lawson 6.1 software is
4   going to be running on the IBM iSeries server was
5   compiled back in 1999 by Ciber, correct?
6   A   That's correct.
7   Q   And then it was sent via FTP to Lawson in
8   April 2010, correct?
9   A   Correct.
10   Q   Then it was compiled again last week?
11   A   I believe it was just -- they just took the
12   binary software and put it in the right libraries and
13   continued to run. I do not believe it was compiled.
14   Q   Okay. So the only thing that was compiled
15   last week would have been the systems that you'll be
16   demonstrating that are running on the HP UNIX server?
17   A   That's correct.
18   Q   And those -- okay. And those were compiled
19   by Roger Shimada?
20   A   Correct.
21   Q   All right. So will we be able to choose
22   today which one we want to demonstrate first or do you

100

1   have it in some particular order that you --
2   A   It does not matter to me which one you want
3   to go to.
4   Q   All right. So before we launch into this
5   demonstration, let me ask you some questions about how
6   you're going to be demonstrating the software to us
7   today. First of all, can you tell me about the laptop
8   that you're going to be using to access the
9   demonstrations today?
10   A   Uh-hmm, it's a Lenova T61p laptop or
11   ThinkPad computer commercially available from many
12   sources. There's nothing unique about it.
13   Q   Okay. And is Lenova, that's the company
14   that acquired IBM's ThinkPad division?
15   A   That is correct.
16   Q   All right. So it's fair to assume that this
17   laptop dates after that acquisition of IBM by Lenova?
18   A   Yes, it does.
19   Q   So is it a late model within the last couple
20   of years?
21   A   It's about two and a half years old, right
22   in there.

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26 (Pages 101 to 104)

101

1   Q   So it's probably early 2008?
2   A   **Right in there.**
3   Q   What kind of operating system is running on
4   the laptop?
5   A   **This one is running server 2008 in a 64-bit**
6   **architecture.**
7   Q   Is that a Windows operating system?
8   A   **Yes, it is.**
9   Q   And when was that Windows operating system
10   first commercially available?
11   A   **I would -- it would follow the dates, so it**
12   **would be 2003 most likely.**
13   Q   How are you connecting today to the Lawson
14   systems running on the servers back at Lawson?
15   A   **Okay, so I'm using a standard Internet**
16   **connection and we're using VPN software by F5 is the**
17   **name of the organization, and it's connecting via**
18   **their servers into -- or through the Lawson firewall**
19   **into our network of connections in St. Paul.**
20   Q   All right. Do you know when the VPN
21   software from F5 was first commercially available?
22   A   **No, I do not.**

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1   Q   Do you know when VPN software generally was
2   first commercially available?
3   A   **Lawson started using VPN software**
4   **specifically probably four to five years ago, but I**
5   **don't know the specific commercial dates.**
6   Q   I want to go back for a minute to the date
7   of the Windows operating system. I want to make sure,
8   was it 2003 that the system was available or 2008 that
9   the system was available, the Windows operating
10   system?
11   A   **The Windows server 2003 is what I'm running.**
12   Q   Okay.
13   A   **And that would be a 2003 forward time frame.**
14   Q   Okay. So Lawson started using VPN software
15   probably about four or five years ago; is that
16   correct?
17   A   **That's correct.**
18   Q   And is it fair to say that the version of
19   the VPN software that you're running was commercially
20   available at most four to five years ago?
21   A   **I don't know. I -- I didn't acquire the**
22   **software. I'm just a user of the software.**

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1   Q   Do you know whether the VPN software that
2   you're using was available prior to 2000?
3   A   **I don't know that.**
4   Q   What -- was the name of the company that
5   provides the software F5?
6   A   **F5.**
7   Q   Does Lawson license the VPN software from
8   F5?
9   A   **Yes, we do.**
10   Q   Do you know what kind of processer your
11   laptop has?
12   A   **It has a dual core Pentium chip processor.**
13   **That's about all I know.**
14   Q   Do you know sometimes when you go to the
15   system start button on Windows you can pull up the
16   about -- tells you about it. Would you be able to do
17   that now so we could just take a look at the
18   processor?
19   A   **I would have -- I would have to reconfigure**
20   **the whole -- I would have to shut the whole computer**
21   **off.**
22   Q   You can't do it because you're already

104

1   logged in?
2   A   **I'm logged in and running.**
3   Q   So after we're done with the demonstration,
4   let's go back and make a note to do that.
5   Would you agree with me that the VPN
6   software you're using on your computer was not
7   commercially available prior to 1995?
8   A   **I -- I do not know that answer one way or**
9   **the other.**
10   Q   Were you using the Internet at Lawson in
11   1994?
12   A   **No.**
13   Q   Did you start using it in 1995?
14   A   **'95 and '96.**
15   Q   So to your recollection you started using
16   the Internet at Lawson in 1995 and 1996 and you
17   started using VPN software at Lawson four to five
18   years ago?
19   A   **At least that time frame.**
20   Q   So when you connect through the VPN to the
21   Lawson Legacy systems running on the servers we
22   discussed, will that Lawson Software, is that executed

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27 (Pages 105 to 108)

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1   on a mainframe system?
2   A   It's on the -- the VPN itself or the actual
3   system I'm showing you?
4   Q   The actual systems you're showing me.
5   A   They'll be running on an iSeries and an
6   HP-UX.
7   Q   But the VPN will be running on your laptop?
8   A   The VPN acts as a remote server that's
9   controlled by F5. And I do not know where that is
10   located.
11   Q   Do you know -- do you know what kind of
12   server that is?
13   A   No, I do not.
14   Q   You testified earlier that you were using --
15   that to prepare for this deposition earlier this past
16   week you had a couple of interfaces placed on your
17   computer --
18   A   Yes.
19   Q   -- is that correct?
20   Is that some -- do those interfaces consist
21   of some sort of emulator software?
22   A   Yes, 5250 emulator and a Telnet session for

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1   UNIX.
2   Q   Right. And are those the same type of
3   emulators that you're going to be using today during
4   the demonstration?
5   A   They're the exact ones.
6   Q   So the 5250 emulator is to show us today the
7   6.1 Lawson Software running in the IBM iSeries?
8   A   Correct.
9   Q   And the Telnet session is to show us today
10   the Lawson systems running on the HP UNIX server?
11   A   Correct.
12   Q   When was the 5250 emulator commercially
13   available?
14   A   Lawson used the -- this emulator starting in
15   at least 1992 or three when we were demonstrating our
16   remote systems in what they call a green screen
17   environment, which is the equivalent of a character
18   mode system. And that's continued on until today.
19   Q   Did you personally use the Lawson 5250 --
20   sorry, not the Lawson 5250. Let me start over.
21   Did you personally use the 5250 emulator
22   when you were demonstrating Lawson Legacy software,

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1   including the versions that we're going to view today
2   for potential customers back in the 1990s?
3   A   Yes.
4   Q   Did you also -- when -- when was the Telnet
5   session for the UNIX server first commercially
6   available?
7   A   For Lawson products, in about 1990 would be
8   my best recollection.
9   Q   And did you also use the Telnet session to
10   -- as an emulator when you were demonstrating systems
11   to potential customers back in the '90s?
12   A   Yes.
13   Q   Earlier today we talked about the particular
14   operating system and operating environment for the HP
15   UNIX server, and you had mentioned that the operating
16   system was an 11.11 operating system version.
17   Before we get into the demonstration, if you
18   could just turn back to page, let's see, page 3 of
19   Hvass 2.
20   A   That's --
21   Q   Do you see the top paragraph there refers to
22   a "64-bit Windows machine." Can you describe for me

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1   what that paragraph is referring to?
2   A   That's my PC. It's a 64-bit Windows
3   machine, and we'll have access to the Ciber provided
4   system via IBM Client Access 7.1, which is the
5   software that's -- that presents the Lawson Software
6   is IBM's Client Access 7.1.
7   Q   And that's the presentation software that's
8   got the copyright dates of 1980 and 2005?
9   A   That is correct.
10   Q   Okay. And the 64-bit Windows machine refers
11   to your Lenovo ThinkPad?
12   A   Correct.
13   Q   IBM client -- it states here, "IBM Client
14   Access for Windows is included with the IBM i, but
15   V5R4 does not have a 64-bit version of Client Access."
16   What does that mean?
17   A   I'm believing just what it says at face
18   value that if you want to have Client Access for
19   Windows, it's included with the IBM iSeries, but
20   version 5R4 does not have a 64 -- 64-bit version of
21   Client Access.
22   Q   Let me try to parse that in my simple

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1 understanding of these concepts here.
2   IBM Client Access for Windows is Client
3 Access 7.1 that we were talking about in the previous
4 sentence?
5   A   That's correct.
6   Q   And that's included as software that can be
7 used to present the systems running on the IBM iSeries
8 server?
9   A   Right. And what they're getting at is, is
10 included meaning there's no charge for it.
11   Q   Okay. Now, version 5, release 4, doesn't
12 that refer to --
13   A   That's --
14   Q   -- version 5, release 4 of the software --
15 of the operating system running the IBM -- on the IBM
16 iSeries?
17   A   That's correct.
18   Q   So the current operating system running on
19 the IBM iSeries does not have a 64-bit version of
20 Client Access?
21   A   Right.
22   Q   Does that mean that when you do the

110

1 demonstration today, you're not going to be able to
2 use IBM Client Access?
3   A   No, I'm running a 64-bit machine, but I'm
4 actually running the 32-bit application process.
5   Q   And then at the bottom of this page it says,
6 "Access to the HP-UX machine is provided by the Lawson
7 Interface Desktop by Microsoft Windows." What is the
8 Lawson Interface Desktop?
9   A   That is a piece of software that Lawson
10 developed to get access into our applications in the
11 UNIX and Windows environment. And that's a
12 presentation layer piece.
13   Q   When was that developed?
14   A   It goes back to -- the original -- the
15 original implementations of that would go back to
16 1990.
17   Q   In the 1990s, did you use the same version
18 of the 5250 and Telnet emulators that you will be
19 using today?
20   A   Uh-hmm.
21   Q   Yes?
22   A   Yes.

111

1   Q   So why don't we look at -- before I ask you
2 to log into 5.0, because I guess we'll start with 5.0.
3   A   That's fine.
4   Q   On page 5 of Hvass 2, there is some 5.0 demo
5 notes that you said you compiled --
6   A   Uh-hmm.
7   Q   -- for the purpose of this demonstration
8 today.
9   A   Uh-hmm, yes.
10   Q   What are those 5.0 demo notes intended to
11 cover?
12   A   They're just data so I know when I go in
13 that I don't put in erroneous data and we watch a
14 bunch of errors and edits, so I put down here what
15 vendor number verify the buyer. They're just a series
16 of codes that I set up to make sure they operate or I
17 noticed to make sure they work correctly.
18   Q   What version of Lawson Interface Desktop are
19 you going to be using today?
20   A   I think it's in the notes.
21   Q   It says the most recent version is 9.0.1.4.
22   A   Four.

112

1   Q   And that's the version you'll use today?
2   A   Yes.
3   Q   Do you know when that version was
4 commercially available?
5   A   Within the last year because it says 9.0, so
6 it would be in the 9.0 architecture area.
7   Q   So turning back to the 5.0 demo notes,
8 starting at the top it states, "Recompile of Lawson,
9 found on UNIX server at Lawson." Does -- what does
10 that mean?
11   MR. SCHULTZ: Before we -- before we
12 continue, Mr. Hvass, if you could answer yes or no to
13 the questions.
14   THE WITNESS: Yes.
15   MR. SCHULTZ: As opposed to the uh-hmm.
16   THE WITNESS: Yes.
17   MR. SCHULTZ: Thank you.
18   A   A recompile of Lawson, this -- the
19 applications that I'm using today were recompiled by
20 specifically Roger Shimada of Lawson, and the versions
21 were found on a -- on a Lawson server Adder in our IS
22 operations. So that was the sourcing of the system as

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29 (Pages 113 to 116)

113

1 a note.

2 Q Who found those versions on the Lawson

3 server?

4 A I don't know.

5 Q But they were found on the HP UNIX server?

6 A That is correct.

7 Q "UNIX version 1991 date," it states in the

8 second line. What does that refer to?

9 A Those are from my notes, the original

10 exhibit on 2, that they noted that the dates were in

11 there. And I also noted that the actual application

12 level was a 1991 date, specifically September of 1991.

13 Q What functionality does the Lawson Interface

14 Desktop 9.0.1.4 that you'll be using today provide in

15 terms of the demonstration you're going to show us?

16 A It provides the presentation layer of what

17 -- how the Lawson renders its screens to be shown to a

18 user.

19 Q Is it somewhat analogous to the IBM Client

20 Access 7.1?

21 A Yes, it's pretty much analogous.

22 Q Was there a Lawson Interface Desktop version

114

1 5.0 that Lawson made available?

2 A No, there's not one available.

3 Q Was there one available at the time that

4 Lawson Software 5.0 was available?

5 A Yes, there would have been.

6 Q So would it be possible for you -- for you

7 to demonstrate for us today the Lawson procurement

8 modules from Lawson's system 5.0 using a Lawson

9 Interface Desktop from version 5.0?

10 A No.

11 Q Why is that?

12 A Because the versions have long since been

13 decommissioned and not used any longer and no one kept

14 the source code.

15 Q So that source code doesn't even exist

16 anymore on the HP UNIX server?

17 A Not that I know of.

18 Q Or anywhere at Lawson?

19 A That's from my understanding.

20 Q Did you inquire into whether the older

21 versions of the Lawson Interface Desktop still existed

22 at Lawson for the purposes of this demonstration?

115

1 A No, because it's exactly the same as the old

2 version. All it is is a forward compatibility issue,

3 but all of our products from this presentation layer,

4 the coding constructs haven't changed to run a Telnet

5 session. So it's exactly the same code in either 5.0

6 or 9.0 from a presentation perspective.

7 Q So -- okay. So what's different about

8 Lawson Interface Desktop 9.0.1.4 and Lawson Interface

9 Desktop 5.0?

10 A They would have added the Windows component

11 in at some time. But otherwise for UNIX, it's exactly

12 the same.

13 Q And is the Windows component in 9.0.1.4

14 going to be used when you use your Windows 64-bit

15 machine to access it today?

16 A No, because that's an IBM system. That's

17 not a Windows system.

18 Q Why don't we access through the VPN the

19 Lawson 5.0 system, and if you could just narrate for

20 me --

21 A Sure.

22 Q -- step-by-step as you go through this, I

116

1 would appreciate it.

2 A There's an object that was put on my

3 machine, the piece. I'm going to go into a green

4 little phone --

5 Q Let's just -- let me interrupt you.

6 A Go ahead.

7 Q That object on your screen, what is that

8 that you just clicked on?

9 A This piece right here?

10 Q Yes.

11 A This is the actual Telnet session software.

12 Q Okay. So this is the Telnet emulator?

13 A This is the Lawson interface. In this case,

14 I'm using it in a Telnet environment. And when I

15 click on the green piece to connect, it says I want to

16 Telnet to a UNIX server versus an AS/400 versus an NT

17 versus another version of UNIX. The AS/400 NT servers

18 in this part we rarely ever used. We just used the

19 Telnet connection into UNIX.

20 And then it asks me which UNIX server it is.

21 In my notes I have written down the specific server in

22 this case is a prhtdc01. And that brings you into

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30 (Pages 117 to 120)

117

1   that computer into a log-in environment.
2   So after passing Lawson security, so I'm
3   going to go to Lawson and then Lawson -- do it one
4   more time because I hyper-sended the key. So then it
5   brings you into what they call an environment. I'm
6   going to go into, in this case, an environment. I'm
7   going to change the environment by doing a .CV change
8   environment to 5.0 and press enter.
9   Then you'll notice it comes up with a 50
10   environment on this machine. Once I'm here, I'm going
11   to go to the Lawson presentation layer, support, and
12   then I can go into whatever module you want me to go
13   into.
14   So if I went into purchase order, I would
15   say purchase order MN for our purchase order menu, and
16   then it would bring me into the first set of menus.
17   So I have signed on, I have gone into the
18   purchasing system at this point in a Telnet session.
19   And then if you want to make it larger, it doesn't
20   really change the characters, it just fills out the
21   form. So either way works with me in this
22   presentation.

118

1   Q   Okay. And what different modules do you
2   have available today to demonstrate this?
3   A   I have every module that Lawson commercially
4   distributed at that point, 5.0.
5   Q   5.0.
6   A   So purchase order, requisitions, inventory,
7   of course then the payables, general ledger and all
8   the other systems that we sold at that time.
9   Q   Okay. You know, earlier we were looking at
10   the screen shots from the e-mail that was sent to you.
11   Do you recall that?
12   A   That's correct.
13   Q   Do you recall it had on the screen shots the
14   creation date and source file date?
15   A   Right.
16   Q   For the requisitions module for 6.0 that
17   you're going to demonstrate later on the IBM iSeries?
18   A   Uh-hmm.
19   Q   Is there a way to determine in this
20   demonstration the creation date and source file date
21   for the purchase order, requisition or inventory
22   control module for Lawson 5.0?

119

1   A   Again, that's a system administrator
2   function which I do not have access to.
3   Q   Is that something that Bob Geiger would have
4   access to?
5   A   Roger Shimada would have access to that.
6   MR. STRAPP: I don't know if we requested
7   that yet, but if we haven't, we ask for that
8   information from counsel.
9   Q   So what were the modules available in Lawson
10   5.0 that relate to procurement software?
11   A   So you have purchase order, requisitions,
12   inventory and then accounts payable from a vendor
13   perspective because we have a shared vendor file
14   between our accounts payable system and the purchasing
15   module.
16   Q   Let me ask you another question. If I went
17   out and purchased HP UNIX server running the 11.11
18   operating system and loaded on to it Lawson 5.0
19   software, would I be able to recreate for myself the
20   demonstration you're going to show us today?
21   A   If you follow all of our installation
22   procedures and set up the software appropriately, it's

120

1   no different than the machine I'm running on.
2   Q   All right. I think what I would like you to
3   do here in this 5.0 system is to demonstrate for me
4   how a user of the Lawson 5.0 system would search for
5   particular matching items contained in the data
6   available in the procurement software.
7   A   What kind of matching items are you looking
8   for? Inventory items or lines received but not
9   invoiced?
10   Q   I'm looking for non-stocks or non-inventory
11   items that would be available. And let's say I was,
12   for example, working in a purchasing department in a
13   hospital back in the '90s running Lawson Software 5.0
14   and I wanted to search in the procurement modules that
15   you described for syringes. Can you show me how I
16   would go about running a search for syringes in the
17   procurement software for Lawson Software 5.0?
18   A   Do you want me to go about setting up the
19   syringes search also, because I don't have that search
20   specifically done, so you can see how a search would
21   be put together?
22   Q   Yeah, go ahead and demonstrate it as best

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31 (Pages 121 to 124)

121

1   you can.
2   A   So I'm going to transfer over to an
3   inventory menu, first of all. So now I'm over in
4   inventory. And we're going to go set up some
5   inventory items.
6   Q   So let me stop you. You're in the inventory
7   control module now?
8   A   Now, yes, because I need to set up some
9   items for -- in the item master file.
10   Q   Well, let me ask you before you do that, do
11 you already have items in this item master file?
12   A   Yes, I do.
13   Q   What kind of items do you have in the item
14 master file?
15   A   Well, I have item 102 and 103, which are
16 good items. If you want me to change the name to
17 syringes, I can do that.
18   Q   So wait. There's two items available right
19 now.
20   A   There's multiples. I just made sure 102 and
21 103 were good items throughout the whole system.
22   Q   What kind of items are -- I mean, what kind

122

1   of goods are available right now in the item master?
2   A   If I go into the item master file, I'm going
3   to what's called an item master file.
4   Q   Hold on one second.
5   A   Go ahead.
6   Q   Let me just ask you, do you have an idea --
7   before you -- before I go into the item master -- what
8   kind of --
9   A   They're widgets and test items.
10   Q   So it's not -- is it real data or is this --
11   A   It's all fictitious support data.
12   Q   And some of this data you had testified
13 earlier was created by you over the past week, right?
14   A   That's correct.
15   Q   And other data was created earlier.
16   A   Prior.
17   Q   And we can find out when the data was
18 created by looking at the vendor master source data?
19   A   It would show me when the vendor was
20 created, not when these items were created.
21   Q   Is there any way to determine when the items
22 were created?

123

1   A   I could look, but I don't know specifically.
2   Q   So let's say I want to run a search for
3   syringes. I don't want you to go in and create
4   syringes. I want to run a search for syringes. How
5   would -- how would I do that in Lawson 5.0?
6   A   I would go into inventory control 30, which
7   is an item search system, okay, and I would press
8   inquire. And I have a company out here, company 9.
9   And then it looks at what -- what access code -- if
10 you look next to it, you'll see description, generic
11 name, purchasing classes. I have set up item classes
12 in this to search on. So I would say "I" for item
13 classes.
14   Q   What's an item class?
15   A   An item class is a way of classifying
16 inventory by major and minor classes that are user
17 defined. So in this case, I have set up some major
18 and minor classes to search on an item. Okay?
19   One of those -- you could have syringes as
20 an example, and I would have five items defined as
21 major category syringes and subcategories below that.
22 I could search on those right in the standard Lawson

124

1   system.
2   And so if I went here, there's major and
3   minor classes, I can go out in this major and minor
4   class area here and then I could go in and type in
5   those major -- major and minor classes.
6   Q   So if you wanted to do a search here, you
7   would type in syringe under major -- major/minor
8   class?
9   A   That's one way I could do it, yes.
10   Q   So let's see how it works if you do it that
11 way.
12   A   If I type in -- well, I have to have the
13 code set. If I put in syringe as much as I would
14 spell and press enter, I don't --
15   Q   How many characters can you enter in there?
16   A   I'll tell you. There's four digits in the
17 major code and four in the minor code.
18   Q   Does it recognize -- does the major and
19 minor class, is that just -- is that -- are those
20 classes defined by numbers or are they also defined by
21 words?
22   A   Letters.

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32 (Pages 125 to 128)

125

1   Q   By letters.
2   A   Uh-hmm.
3   Q   So long as they're four or less letters?
4   A   That's correct.
5   Q   Four or fewer letters?
6   A   That's correct.
7   Q   So you couldn't actually type in
8   S-Y-R-I-N-G-E?
9   A   Well, if I use the beginning description
10   one, then I can put a wild card and put in -- I don't
11   know how to spell syringe, S-Y --
12   Q   Y.
13   A   I have no idea, I'm a terrible speller.
14   Q   S-Y-R-I-N-G-E. No R there.
15   A   So I could go in this way and put a wild
16   card on either way, but I'm going to change the access
17   code to be D for description and press enter.
18   Q   What happened there?
19   A   Well, I had a code -- two codes in there, so
20   I'll press enter again. And it will start looking at
21   anything that starts with syringe and starts looking
22   down the system. In this case you don't have any

126

1   syringes, so it just brings back the starting lists of
2   the descriptions here.
3   Q   So you ran a search for syringe and it
4   returned a diameter plumbing 2, correct?
5   A   Right, because it just starts going down the
6   system looking for matches. Since there's none here,
7   you just get an item master file.
8   Q   Were the classes, the major and minor
9   classes that you referred to just a minute ago, are
10   those -- is that part of the data that you set up last
11   week?
12   A   Yes.
13   Q   And when you say it's a user define field,
14   what do you mean by that?
15   A   Well, when I go in -- can I show you in the
16   system now?
17   Q   Yes. Go ahead. Well, actually, before you
18   do that. Sorry. You just showed me how to do a
19   search using the beginning description.
20   A   Uh-hmm.
21   Q   Now try to -- can you show me how to do a
22   search using the major/minor class?

127

1   A   So I would go out here and I would change
2   the access code again to be an inventory class because
3   that's the one I had set up. I'm going to take out
4   the beginning description information and the
5   information here about the beginning items and go out
6   into the major and minor classes -- let's make sure I
7   have them correct -- and I want to just transfer --
8   get one that's valid so I can show you how it works.
9   So in Lawson you can transfer here. I'm
10   going to transfer in this case out into the -- back to
11   the item master menu.
12   Q   What exactly are you doing here with this?
13   A   I'm going back to the major/minor, to the
14   setup area. If I go to system setup and I look at
15   inventory class maintenance and I'm going to do an
16   inventory class maintenance on this group, I set up an
17   inventory class of 101, and it has subclasses of one,
18   two, and three. And I just called them widgets for
19   today. So I see a description of widget item, that's
20   the item class, that's the inventory class, and I have
21   three subclasses, small, large and huge widgets. So
22   I'll go back to my search -- my search criteria -- by

128

1   the way, you can type a code in and go to that
2   program. So if I inquire on the access code inventory
3   items, you notice the major class is here and then a
4   subclass of one, now it brings up those particular two
5   items I had defined as having the major class 101 and
6   the minor class 1 in the search criteria function.
7   Q   You were going to show me what a user define
8   field is. I'm going to ask you to do that now.
9   A   Yes, that would be fine.
10   So if I go back out to the main menu here,
11   you can just escape back out. Okay, I was on the
12   inventory class maintenance. In the inventory class
13   maintenance, I built one called 101. But you could
14   add another one in called C-Y -- S-Y-N, syringe, and
15   I'm going to take out all of these other fields
16   because I don't -- you define the header record first.
17   So here's the header record, I'm going to go
18   in and add the header record here. I have the add
19   function, we're going to call it syringe, add. So it
20   says add complete. You can see it up there.
21   And now I can go in and put in major and
22   minor classes. I might have class 1 or I could call

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33 (Pages 129 to 132)

129

1   this, you know, whatever you wanted to put here.
2   Injection syringes. I might call them hypos. You
3   could just -- they're all user defined. And when I
4   add this piece in here, what I'm going to do -- go in
5   and do is I'm going to make a change and add the other
6   minor records in by placing an A in front of them.
7   Because this is how our system navigates.
8   So now at this point I've added in a user
9   define, major class and then minor classes within the
10   5.0 system of software. Now I would place those on
11   the items that you want to search that have that
12   criteria and then I could search by them.
13   Q   Are there any fields or information in here
14   that's standard and that's not user defined?
15   A   Yes, there are.
16   Q   Which -- which ones are those?
17   A   Okay, if you went into the item master file,
18   and if I inquired on my item 101, these are a series
19   of, I give it a user define number, a description, and
20   here's a good example of the data established. You
21   asked that question earlier, so I'm coming back to it.
22   It has the date established on the system, but you'll

130

1   see a generic name field, a UPC name field. These are
2   defined fields that you could put in the UPC codes.
3   So if I had a UPC code of 13 digits, whatever the
4   length is, you could put that in and use it as a
5   standard mechanism.
6   We have item replacements used in order
7   entry, a hazardous code. And you put those -- that
8   data in there for purposes that you might want to
9   work. And then you'll see here the major and minor
10   for sales, inventory and purchasing classes within the
11   system.
12   Q   Is this a -- is this a standard item master
13   -- are these the standard data fields available for
14   each item in the item master?
15   A   Yes, they are.
16   Q   And so let me just walk through them so I
17   understand each one of them. What is the item group?
18   A   An item group is a way of putting a group of
19   items together as a group and then that group's
20   attached to the legal entities that can use those
21   items for processing.
22   Q   The item is the item number?

131

1   A   The item is the item number, uh-hmm, that's
2   correct.
3   Q   The description is a --
4   A   Description of the item. In this case it's
5   a widget. But it could be a syringe. It could be
6   whatever you want to call it.
7   Q   The date established here of 6-7-10, does
8   that indicate that it was -- this item was established
9   June 7th, 2010?
10   A   That's correct.
11   Q   What's the generic name?
12   A   It's a search criteria, so if I want to look
13   for a search of generic names syringe or Band-aid or
14   tissue, I can have five items. And another way to
15   search on it is to look for a generic name for
16   something.
17   Q   And what's the replacement item?
18   A   A replacement item in order entry, if I
19   stock out of this specific item, it will bring this
20   replacement item up in an order for order entry.
21   Q   So that works for -- so a replacement item
22   is a field that would be -- contain data for an item

132

1   in inventory only enough for a non-stock item,
2   correct?
3   A   Those are usually for stocked items.
4   Q   That's what I meant.
5   A   Yes.
6   Q   For a stock item, not a non-stock item.
7   A   Yes, it would be a stock replacement used
8   specifically in order entry.
9   Q   What's the -- can you tell me what the
10   purpose of the order entry module is? What does that
11   do?
12   A   We -- Lawson has sold since 1982 an order
13   entry module that is a wholesale order entry so I
14   could go out to a particular wholesaler, install a
15   system and they could place orders, pick inventory,
16   pack it, ship it and bill it for that particular
17   wholesaler.
18   Q   Do you have the ability here to show me a
19   list of everything that's in the item master?
20   A   Not on this particular program. Let me
21   look. Let's make sure I have it. If I go up to here,
22   it has a select option and it will show you all of the

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34 (Pages 133 to 136)

133

1 items in the system.
2   Q   And -- and right there is a list of all the
3 items in the system?
4   A   That is correct.
5   Q   So can you scroll down so we can see sort of
6 all the items here?
7   A   These are my items I said they were kind of
8 generic, and there they are. And what you see here on
9 the right-hand side is the item number, on the
10 left-hand side is the description.
11   Q   Do you mean on our left-hand side is the
12 item number and on the right-hand side is the --
13   A   Yes, I'm sorry. The other left. This is
14 the item number, I'll point. This is the --
15   Q   Item description.
16   A   Item description, that's correct.
17   Q   Do you know how much of this data was
18 entered by you within the last week and how much --
19 how many of the items are from earlier?
20   A   I entered two.
21   Q   Two.
22   A   101 and 102.

134

1   Q   So let's take a look at another one and pull
2 -- if you could pull another one so we can see the D,
3 data.
4   A   You bring it up and then you inquire on it.
5   Q   Okay. And so this was established -- so
6 this doesn't have a -- the description for this item
7 is the same as the item number, correct?
8   A   That is correct.
9   Q   So there would be no way for this particular
10 item to actually run a search using a word, right?
11   A   Well, you could still use that same number,
12 that description.
13   Q   Right.
14   A   You could still use that for the search.
15   Q   You could search using the item code number,
16 correct?
17   A   Uh-hmm, and the description.
18   Q   Well, you could search using the item code
19 number and the description field, right?
20   A   That's true, yes.
21   Q   Would there be any way to search for this
22 item other than using one, two, three, four, five?

135

1   A   Sure, all of these sales classes right here,
2 remember I showed you the search with the sales class,
3 inventory class, purchasing class.
4   Q   But there is no sales class or inventory
5 class or purchasing class information in here, right?
6   A   There's -- they didn't define any for this
7 one, but it's there available to be used.
8   Q   Was there -- all right. Let's take a look
9 at another item that was not one you created in the
10 item master.
11   A   Is it fair that I'm going to go in and just
12 scroll the database so you can look at items -- I'm
13 going to use the next function and I can scroll things
14 in for you and you can just stop me when you're ready.
15   Q   Sure. All right. Let's look at -- let's
16 look at this one here.
17   A   Uh-hmm.
18   Q   So this one has the same item number -- the
19 description is the same as the item number, but then
20 it says test IC14. Does that stand for inventory
21 control?
22   A   Yes.

136

1   Q   So this is like a test item?
2   A   This is an item -- remember I'm in the
3 support library and somebody wanted to test something
4 and use the IC14 program, so they just typed that in
5 as a reminder to them.
6   Q   Let's go to the next one. This one was
7 established as of August 10th, 1994?
8   A   That's correct.
9   Q   Okay. Is there any vendor associated with
10 this particular item?
11   A   Not at this point, but let's go in and look
12 at something because I can go in and look at a
13 transfer function here.
14   Q   Well, before you do that, let me just ask.
15   A   Go ahead.
16   Q   So all the different fields associated with
17 an item in the item master, none of those fields -- do
18 any of those fields tell you who the vendor is that's
19 associated with the number?
20   A   Yes, and there's more screens to this. I'm
21 only showing you the first one at this point.
22   Q   All right, let's do those.

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35 (Pages 137 to 140)

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1   A   So I'm going to do a transfer. And then I
2 can say here item location maintenance, because now
3 I'm going to put an item in a location, and now I'm
4 going to go in here and inquire. I'm going to go get
5 a location that I have set up in the system.
6   So I'm going to select warehouse 1 and then
7 my item 101 is an item I had earlier I showed you.
8 And now it's getting in where I have a location where
9 I've stored inventory, and this is where we -- we put
10 in by location the specific vendor that you might want
11 to use.
12   So I'm going to show you another form here.
13 There's an item location maintenance area. And you're
14 going to now look at, I don't have one set up for it
15 in this one, but you can see right here a primary
16 vendor field where I can select vendors. And I am
17 vendor 2 today, I put myself in. And now I can make
18 this specific location, warehouse 1, this particular
19 item, widget, now has a preferred vendor, a primary
20 vendor, that if it stocks out in inventory, here's
21 where -- here's where we're going to select that
22 particular vendor as our default vendor.

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1   Q   Let's go back to the inventory control
2 screen that we were -- the screen that you were on
3 when you were showing me how to do a search.
4   A   The search function, sure.
5   Q   Is that IC30?
6   A   That is correct.
7   Q   Is there a way to search for vendor?
8   A   This is an inventoried item. Over in
9 procurement I have default, I have preferred vendors
10 that have items that we have prices on by that
11 particular vendor.
12   Q   Is there a way to search to see every item
13 associated with a preferred vendor?
14   A   Yes.
15   Q   Okay. How do you do that?
16   A   I'm going to go in this case into purchase
17 order, main menu, and we're going to go in and look
18 at, it might be in systems setup, catalog, prices.
19 This might just be the update, but let's look, yeah.
20 This is where I can go set up a vendor and put them in
21 the system. This is just prices. There's another
22 program that goes in and -- this is the batch file

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1 interface to load those in from an interface
2 electronically of uploading. Let's go back a moment
3 here.
4   I don't know, I haven't set this up, but I
5 can go in here and put in the vendor number -- let's
6 just see what they might have set up in the system.
7 So they don't have anything set up as a primary vendor
8 for anyone.
9   This would allow me to go and set up -- this
10 is this PO14, it's vendor item location ordering. So
11 I can build that record here to put in a vendor,
12 number 7. This is the one I had set up, vendor 2, or
13 whatever one you want to use, a purchase from
14 location, and then I can go and put a date, a cost and
15 a new cost in and start saying here's that vendor,
16 here's their items and here's what they -- their costs
17 that we save in our system.
18   Q   Okay. How would I do a search to find all
19 items only from a -- from the Jeff Hvass vendor?
20   A   Then I would go back to where I was in the
21 transfer function and I would go to vendor item
22 location list, and I can get -- this is the inquiry

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1 function. Hold on. Vendors for an item inquiry. So
2 this one here -- I can actually go in and look at a
3 specific location and item and look at all the vendors
4 that perform that. And there's another one, PO vendor
5 purchasing from location items, and then PO item
6 location ordering information. And here I can see the
7 items that a vendor provides to us one at a time, or
8 there's another one that shows you multiple at a time.
9   Q   So can you go -- can you -- can you go back
10 and show me how you would actually enter that search,
11 run that search?
12   A   Yes, let's go add one here. Add item vendor
13 to, we should be fine, purchase from. Order in
14 multiples we're not going to use, so -- item 2, that
15 should be good. So I'll put in some dates here. Cost
16 is $3. Let's go from total 32009. $4.
17   Q   So what are you doing right now?
18   A   I'm trying to add the item in and I --
19   Q   Into what?
20   A   Into the item location setup.
21   Q   So you need to do that before you can run
22 the search you were talking about?

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1   A   Right, to look at them to set them up to say
2 this item, this is provided by this vendor in this
3 location, and I didn't set that up for today. Let's
4 just go here for a moment. Yeah, here it is. See,
5 then it's their -- I have my M number form. They call
6 it -- I'll call this 101VEN2. It's their number.
7   Q   I wanted to see all items from vendor 2, not
8 just a particular item.
9   A   I have to set them up, first of all. First
10 of all, it's that authorization you have. So I'm
11 going to set up two in there. So first I define these
12 two items. Now I have a vendor for an item and
13 they're set up in what they call a vendor item
14 maintenance because now I have my number and their
15 number for it. And then I go in and I actually go in
16 and say here's -- for the item location itself --
17 let's go back for a moment because I want to use the
18 other one here for a moment.
19   Now I can go in and look at the -- and put
20 an item in with specific location, item 101, vendor 2,
21 location 1. I don't buy in multiples, so this should
22 be valid.

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1   Let's see, they cost $20, 043091. Then we
2 call it, let's see, it's $30. And we're going to add
3 this one in. That's it for this one. Let's see if we
4 can put a purchase from vendor in. I also have to say
5 what it's valid to purchase from. Okay, there's one.
6 And let's go put a second one in now. 102, from
7 myself, let's say it's a valid date, we'll give them
8 some new numbers.
9   Now you can go in, I built the items for a
10 vendor in a location and now I want to go back and
11 look at this information. Here's -- here's the
12 earlier one I showed you where they go in and I say
13 here's -- here's their equivalencies. And let's go in
14 and look at the Ps here -- let's see. This is
15 standard --
16   Q   Is this the vendor item inquiry program?
17   A   No.
18   Q   That's something different?
19   A   That is different.
20   Let me see if I can get this one to show up.
21 Okay.
22   So I can go in and look at the supplying

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1 vendors here. I can say look at the item numbers
2 itself and show me the items, the vendor item and the
3 unit of measures, and you can now see that here's the
4 102 and 101. Here's these items and how the unit of
5 measures are and the supplying vendors.
6   Q   So this search is showing me everyone --
7 every item in the system that has a preferred vendor
8 of Jeff Hvass?
9   A   That is correct.
10   Q   But it's also showing me items that have
11 other preferred vendors, too, right?
12   A   That is correct. Because it's -- it's a
13 vendor item inquiry. I -- I come in as a user and I
14 -- I know the item number. I have no idea who the
15 vendors are. So it says beginning item number. And
16 so you can type in as much of the number as you know.
17 Then it will show you for 101, you can see the items
18 101, 102, everything going down, and it will show you
19 the item, their numbers, their eaches and their vendor
20 numbers.
21   I can say, okay, here's where -- here's
22 where we source these items from by relating the item

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1 number to the vendor and their prices.
2   Q   All right. Before we break for lunch, I
3 just want to ask you to do one more thing here.
4   A   Uh-hmm.
5   Q   Can you go back to the items search screen,
6 the IC30, I think it was?
7   A   Uh-hmm.
8   Q   And let's do a search by either item number
9 or description.
10   A   Okay. So I can go by the description.
11   Q   Description or -- yeah.
12   A   And you can use widgets here. So remember
13 those two had DC within it? Remember I had widget DC1
14 and DC2?
15   Q   Didn't you also have cable, I think you had
16 cable in one of them?
17   A   Uh-hmm, do you want to use cable?
18   Q   Yes, let's use cable.
19   A   I don't see cable in there, but then that's
20 okay.
21   Q   So how do you tell if it's a search hit or
22 it's just the first thing that comes up?

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37 (Pages 145 to 148)

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1   A   I -- I just know because if -- if it's a
2   hit, I'll see the number up here, but I don't -- I
3   don't see that anywhere in here.
4   Q   So if you're searching for like something
5   that matches with a particular description, and
6   there's a bunch of things that come up, how do you
7   know whether it's a hit, it's a result that actually
8   matches for what you were searching for or not? Do
9   you have to manually scan through it to see whether or
10   not it has your search term? Is that right?
11   A   I believe so, yes, uh-hmm.
12   Q   All right. Let's search for something else
13   --
14   A   I'll do this right, because there's a
15   beginning item number here which is defaulting into
16   hood, so let's take that out and put in DC. I'm going
17   to clear the whole form for a moment.
18   Q   So why don't we -- why don't we do a search,
19   instead of for cable, let's do a search for widget
20   since we know you already put that in there. All
21   right.
22   A   So that's what it's doing. I'm at

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1   description piece here. If it needs wild cards or not
2   wild cards, and it doesn't use wild cards.
3   Q   Okay. Now, if you use wide cards, does that
4   mean it will show everything in the whole item master
5   list?
6   A   It will show the whole string of items that
7   should match that.
8   Q   Plus anything else?
9   A   It just keeps on showing everything else at
10   that point.
11   Q   Okay. Now, let's say I wanted to build a
12   requisition using data that's resulted from this
13   search here, how would I go about doing that?
14   A   You can't.
15   Q   You cannot?
16   A   No, this is strictly an item search function
17   in inventory.
18   Q   One last question before we break for lunch.
19   What does a preferred vendor mean?
20   A   A preferred vendor? In the parlance of the
21   industry, it's a vendor that you generally like to buy
22   from.

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1   Q   But you don't need to buy from that vendor?
2   A   No.
3   MR. STRAPP: Let's take a break.
4   THE VIDEOGRAPHER: Going off the record.
5   The time is 1:31 p.m.
6   (Lunch recess.)
7   THE VIDEOGRAPHER: Back on the record. The
8   time is 2:33 p.m.
9   BY MR. STRAPP:
10   Q   Mr. Hvass, can you click on the help menu
11   within the Lawson version 5.0 software we're looking
12   at right now?
13   A   Uh-hmm.
14   Q   Can you click on about Lawson Interface
15   Desktop?
16   A   (Indicating).
17   Q   Does that show you that we're using Lawson
18   Interface Desktop version 9.0.1.4?
19   A   Right above it, it shows you the version
20   right there where my pointer is.
21   Q   Okay. So that's 9.0.1.4?
22   A   Yes.

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1   Q   And does this information indicate that that
2   version of Lawson Interface Desktop was released April
3   10, 2009?
4   A   It shows the copyright from '92 to 2009.
5   Q   Right. What about underneath that?
6   A   And then it says April 10, 2009, and that's
7   the date on this -- on this specific issue.
8   Q   What is the April 10th, 2009 date?
9   A   Probably the last time -- I'm assuming it
10   was the last time it was updated.
11   Q   All right. Can you go back to the help menu
12   for a minute?
13   Is there any other option that we can search
14   either in this help topics or somewhere else that
15   would tell us about the version of the emulator
16   software we're using here, the Telnet software?
17   A   That's the emulator files. That just brings
18   up that piece. I'm just going to see if I find
19   anything that makes sense for us here. So this is the
20   associated help text behind it.
21   Q   Okay. I guess this is -- this is
22   information about the Lawson Interface Desktop. Is

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1 there any information available to determine the
2 version of the Telnet or the release date of the
3 Telnet emulator we're using here?
4   A   Not that I know of.
5   Q   Okay.
6   A   In this piece right here, hold on a second,
7 I'll have to turn it off to go look at the Telnet
8 start-up.
9   Q   Well, when we log out of 5.0, we can check
10 it?
11   A   Yeah, we should be able to look at that
12 piece then.
13   Q   Why don't we do that now.
14   A   So I'm going to log out. And then we're
15 going to go back and log in. So there's the Telnet TX
16 connection piece. I don't know it's going tell you
17 anything. It just tells you what I'm trying to go to.
18   And from there it just brings up the
19 log-in/sign-in. It's emulating right over the top of
20 the other one. So I'll have to bring it down. So let
21 me just do this for a second.
22   Telnet connection to UNIX server. This

150

1 tells you the UX, its system. That's where that 11.11
2 comes from. Then it tells you from here, this is a
3 quote from that piece.
4   Yeah, that's all I can tell you about this
5 emulator piece right here except on the help piece
6 right here. That just tells you the version, the
7 copyright dates and then the version of the software
8 when it was put together.
9   Q   Today we're using a VPN to connect to this
10 emulator software --
11   A   Yes.
12   Q   -- right? That's running the Lawson Legacy
13 systems on the servers we discussed.
14   What kind of communications service or
15 software did you use when you wanted to connect to the
16 Lawson systems when you were demonstrating those
17 systems for a customer remotely back in the 1990s?
18   A   In the 1990s we had a system that was
19 outside of a firewall. We could directly connect to
20 it. And we didn't use a tunnel of any kind. We also
21 carried our own servers with us.
22   Q   So you had a portable server that you

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1 brought with you?
2   A   We had a portable server and we had a
3 standalone server that was outside of the firewall.
4 We just typed in the IP address and went right into
5 it. The Telnet session did all the communication.
6 The only reason that we had VPN today is to connect
7 through our firewall. The user interface is
8 identical.
9   Q   When was the firewall set up?
10   A   Probably somewhere in the mid '90s.
11   Q   Do you know whether this version of the
12 Telnet emulator that we're using today would run on a
13 Windows 3.1 computer?
14   A   I don't know if we have compatibility issues
15 or not. I don't know.
16   Q   Let's close out of 5.0.
17   A   Uh-hmm.
18   Q   And I want to ask you to open up the 6.0
19 demonstration. And -- well, actually, before we do
20 that --
21   A   Oh.
22   Q   Sorry.

152

1   A   Go ahead.
2   Q   You had -- you had shown me before on this
3 Hvass Exhibit 2 that there were 5.0 applications
4 running on UNIX Universe 2.0 and the cyclical and
5 support versions of 5.0 applications running on UNIX
6 Universe 2.1.
7   Is there a way to differentiate between the
8 two of those when we're looking at the demonstration?
9 How can I tell which one is running on UNIX Universe
10 2.0 and which one is running on UNIX Universe 2.1?
11   A   You can't tell.
12   Q   You can't tell.
13   A   No, they're identical.
14   Q   So when you were doing the demonstration
15 earlier today, how would you determine whether or not
16 -- or how would you determine whether or not this was
17 UNIX Universe 2.0 or UNIX Universe 2.1?
18   A   By what environment number I typed in.
19   Q   And -- all right. What -- I might have
20 missed this, but what environment number did you type
21 it when you logged into 5.0?
22   A   To 5.0. There's two environments.

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39 (Pages 153 to 156)

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1   Q   Oh, 5.0 is the one that's running on 2.1?
2   A   **There's two 5.0's environments; one on the**
3   **2.0 universe and there's another one on the 2.1**
4   **universe. And I went into the product line support in**
5   **that cyclical or in that version.**
6   Q   Okay. So the version that you demonstrated
7   was the version of the Lawson Software 5.0 running on
8   UNIX Universe 2.1 from 5.0, correct?
9   A   **That is correct.**
10   Q   Why did you demonstrate that one as opposed
11   to the 5.0 application running on UNIX Universe 2.0
12   from 1993?
13   A   **Better data.**
14   MR. STRAPP: Go off the record for one
15   minute, please.
16   THE VIDEOGRAPHER: Going off the record.
17   The time is 2:41 p.m.
18   (A brief recess was taken.)
19   THE VIDEOGRAPHER: Back on the record. The
20   time is 2:44 p.m.
21   BY MR. STRAPP:
22   Q   Do you know whether -- who the developer of

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1   UNIX Universe is?
2   A   **It was really -- well, Richard Lawson would**
3   **be one of the main founders of the thinking side of**
4   **it. It's probably, from my understanding, Richard**
5   **Patton would be another gentleman at Lawson that**
6   **worked with Richard in that area.**
7   Q   So this is a Lawson product, UNIX Universe?
8   A   **Universe is a Lawson product, yes.**
9   Q   Is -- is it spelled U-N-I capital V-E-R-S-E
10   -- V-E-R-S-E?
11   A   **I've never seen it typed that way.**
12   Q   Okay. Can you demonstrate for us the Lawson
13   5.0 software running on UNIX Universe 2.0 from 1993?
14   A   **Yes. You'll notice I'm putting a version**
15   **number, that's the CV20. Now we go to LAPM. And this**
16   **one is called COBOL development, cobdeliv.**
17   **Where would you like, the purchasing side?**
18   Q   Earlier did you use cyclical or support?
19   A   **Yes, I used support.**
20   Q   Support.
21   A   **This is COBOL delivery.**
22   Q   Okay. So I'm going to want to ask you to do

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1   a search like you had done in the other version of 5.0
2   that we saw earlier today.
3   A   **Okay, so let's do development on that one.**
4   **I don't understand why that's not operating.**
5   **COBOL delivery, unless he spelled it wrong. That's**
6   **okay, the menu's not running. Here's the same -- I've**
7   **got -- I'm going to go because I don't know the**
8   **company data for this one.**
9   Q   Yeah.
10   A   **So I'm going to go look up the company**
11   **information here. See, I don't have operating**
12   **company, that's why I didn't pick this data. See,**
13   **there's -- there's no -- literally no inventory**
14   **company in the system.**
15   Q   Is there no item -- are there no items in
16   the item master here?
17   A   **I can check that out. Hold on. Yeah,**
18   **there's nothing set up for data in the system. That's**
19   **why I elected not to use it.**
20   Q   Why don't we just create one fictitious item
21   here and then we'll run a search to run that item.
22   A   **I have to do three items before that before**

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1   **I can do it. Okay, I have to build a company, a group**
2   **and then add an item.**
3   Q   Well, let me ask you this. The
4   demonstration system that you have available to show
5   us today at this deposition for the 5.0 software
6   running on UNIX Universe 2.0 contains no data at all
7   in the item master as it exists, right?
8   A   **That is correct.**
9   Q   So you can't do any searches on the item
10   master, correct?
11   A   **That is correct.**
12   Q   And you can't build any requisitions on that
13   data either, correct?
14   A   **That is correct.**
15   Q   Okay, that's fine. So let's log out of this
16   system and go into 6.0.
17   A   **That's in -- in UNIX version you want?**
18   Q   Yes, let's start off with the 6.0 Lawson
19   Software on UNIX Universe 2.1 from 1995 running on the
20   HP UNIX server.
21   A   **Okay, I'm logged in.**
22   Q   All right. Can you show me what's in the

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40 (Pages 157 to 160)

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1   item master, all the items in the item master here?
2   A   I have multiple ones here.
3   Q   Can you show me that list that shows just
4   the item and number and description?
5   A   (Indicating).
6   Q   All right. Why don't we start off by doing
7   a search for soda pop.
8   A   So there's the first one. Then you can do
9   next through them, next, next, next, next, next.
10   Q   Can you -- are there any differences in the
11 search functionality of 6.0 as compared to 5.0?
12   A   Yes.
13   Q   All right. Can you show me how that is?
14   A   I'm going to escape back out, escape one
15 more time. I'm on the item master now.
16   Q   Okay.
17   A   Now, like you notice here, instead of going
18 directly to the items, it says you want an item, a
19 kit. And a kit is a major item number and subitems
20 together and then substitute items because, remember,
21 I had substitute items on the item master files? So
22 this one lets you look at the specific item. And now

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1   you're going to see a find and next button.
2   So you do a find, and you can use the item
3   number or the description. And you asked for soda
4   pop. So I can just type in soda. And you enter. And
5   it finds the first one. Then there's a next button
6   and you can next, next, next. When you're done
7   finding the one you want like C3, you just press item
8   and it will bring the item -- you know, that item into
9   the system.
10   So you can go in on -- on the item, select
11 an item and then use your find and next keys to find
12 items by the item number and/or the description.
13   Q   All right. Any other different search
14 functionality besides this as -- for 6.0 as compared
15 to Lawson 5.0?
16   A   Let's go look at IC30, and here you have the
17 same ones that exist between 5.0 and 6.0 because it's
18 exactly -- it's basically exactly the same function.
19   Q   When we did that search -- it's the same --
20 when you say it's the same function, so the search
21 using IC30, the item search in Lawson 5.0 is the same
22 as the search using IC30 in Lawson 6.0?

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1   A   That is correct. It has one more field now.
2   Now you'll see the item -- the first user defined item
3   has now been added to the list of things you can
4   search on. That's what this item alpha 1 is. That's
5   a new field in the system to do that.
6   Q   All right. So there's one -- there's one
7   additional field that you can use to search under IC30
8   in 6.0, but otherwise it's the same as IC30 in 5.0?
9   A   That's correct.
10   Q   Can we go back to the search you just showed
11 me, the new search functionality in 6.0 that you were
12 displaying early?
13   A   In the item master.
14   Q   Right. And we did a search by description
15 for soda, right?
16   A   That is correct.
17   Q   Can you run that search again?
18   A   Uh-hmm. I'll get to the item group number,
19 so hold on a second. Now the search comes up. And
20 you want to do --
21   Q   Now, if we do a search for soda.
22   A   Okay.

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1   Q   Would you search in the item field or the
2   description field?
3   A   This is -- well, it's the item field. My
4   fault. Soda, it finds the first one.
5   Q   So why -- why does it display every item in
6   the item master instead of just items that contain the
7   word soda in the description?
8   A   Because that's how the existing technology
9   worked at the time. We brought the first item up and
10 the next item next to it. But then we added the next
11 key so you could skip the ones that you didn't want.
12   Q   Okay. So the result of the search did not
13 bring up the selected items that contain soda in the
14 description; it brings up all items and then you can
15 key through to see, using the next button, the ones
16 that actually have soda in the description?
17   A   That's correct.
18   Q   Is there any other search functionality in
19 the procurement software for Lawson Software 6.0 that
20 you're demonstrating that you haven't yet shown me?
21   A   Well, you can find items -- if I'm looking
22 at an item number, this is one way to find an item.

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41 (Pages 161 to 164)

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1   But in the different systems around Lawson, let's go
2   back for a moment here, it's not the only place you
3   can look at.
4   If I was in requisitions and I wanted to
5   look at inquiries, I would like to look requisition by
6   item, and then I can do a -- I'm just going to go look
7   at a specific company here. And I want to look just
8   for anything in the system. I want to look at -- if
9   you're looking here, here's a requisition location 1,
10   and I can see here's item 1 and here's all the
11   requisitions in the system, requisition 9, 10, 11,
12   whatever, the amounts, and I want to see every
13   requisition that has that item. Here's another one
14   for item 1000, here is another one for item 1001. You
15   can go in and look, use the key item to find the
16   requisitions that are on that -- that have that
17   specific item within it.
18   Q   So what you're doing right now is to see --
19   is searching using an item number to see all
20   requisitions that have been created using that item
21   number?
22   A   That is correct.

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1   Q   Okay. Any other search capability in 6.0?
2   A   This is in the requisition side. Let's go
3   over to the purchase order side again, and we're going
4   to look at the menu and we're going to go down to
5   inquiries. Now I'm going to see purchase orders that
6   have a certain item on them. So I'm going to go
7   again, inquire here. And then I'm going to next
8   through this because that gives me more functionality.
9   So here is an item, 1001. Here's the
10   delivery dates and then the purchase order numbers.
11   So I could go in as a user and say I want to see -- I
12   want to see every purchase order that was created for
13   this item 1001 and see what line it's on, the date,
14   order quantity, et cetera.
15   Q   This allows you to do a search in -- by item
16   number for all purchase orders for a particular item
17   number?
18   A   That is correct.
19   Q   Let's go back to the search that you were
20   displaying, the first search you were displaying that
21   allows you to search for an item either by item number
22   or by description to see what's available in the item

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1   master.
2   A   Right, this one right here.
3   Q   So let's do a search either by item number
4   or by description for --
5   A   I'm --
6   Q   Let's do a search by description for soda.
7   A   Item group, books, description, so let's put
8   a description in for soda. I have to go find out if
9   that's the same item master. It might not well be the
10   item group here.
11   Q   Didn't you already have items existing in
12   the item master that had soda as a description?
13   A   Yes, but I have multiple companies out here.
14   Do you see this company number? I'm not in a group
15   anymore because I'm looking at a specific company.
16   I don't think I can do it this way. Let me
17   just look at something real quick so I can make
18   something consistent here. And I think I used group
19   001. There's soda pop. So we're in group 001 and
20   then I need to go back here for a moment. I have to
21   find out what company uses group 001.
22   I'm not going to find it quickly it looks

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1   like. So let's just try that one again. I'm going to
2   see if I can do it without the key company number.
3   See, it requires the company number to be in there to
4   do that search.
5   Q   I thought you showed me earlier a way to do
6   the search.
7   A   There is, but there I did it by group,
8   because items are keyed by group and then you tie
9   group to a company. I have to know which company that
10   group ties to.
11   Let's try it this way.
12   There are no companies in that group. So
13   let's pick another group and see -- we know one has
14   books in company 1, so let's just go do it that way.
15   Q   So what are you going to do now?
16   A   I'm just going to use company 1 and books
17   because that's the -- that one has data in it and --
18   Q   Okay. So to do a search do you need to fill
19   out each of the fields in the item search IC30?
20   A   Right. The company is a secured field and
21   you have to have a valid secured company number,
22   otherwise it's not going to let you do any work.

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42 (Pages 165 to 168)

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1   Q   So once you have a valid secured company
2   number, then you can enter data in any of the other
3   fields and run a search?
4   A   That is correct. So now I'm in description.
5   What would you like to search on?
6   Q   Soda, let's say.
7   A   There's no -- well, this database doesn't
8   have soda in it, but I can type in soda.
9   Q   Well, let's put in something where there is
10   data, I don't know, a different description.
11   A   Paper I put in.
12   Q   Okay.
13   A   Paper, books.
14   Q   Is that a particular item that's pulled up
15   there?
16   A   Right. That's this item right here.
17   Q   All right.
18   A   Item 1000.
19   Q   Now, how -- how would you go about in Lawson
20   Software 6.0 building a requisition from the selected
21   match item you have here.
22   A   You wouldn't do it from here. You'd do it

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1   from the R -- RQ10 program.
2   Q   So you can't take this data here and build a
3   requisition with it?
4   A   No.
5   Q   Okay.
6   A   There's this search and select by field
7   within RQ10 that does this. This is just an inventory
8   inquiry solution in the -- go ahead.
9   Q   So when I asked you to show me the search
10   capabilities of the procurement software for Lawson
11   Software 6.0, are you telling me now that there's also
12   search capabilities within requisitions module for
13   6.0?
14   A   Yes.
15   Q   All right. So let's see how that works.
16   A   Let's go back one. This is RQ10. This is
17   the requisition generation program. So I have a
18   company number and I have a requester. Then if I go
19   to the item and I press select, it brings up how do
20   you want to select it. So I can go in here and look
21   at different search criteria, one being the item
22   master. And then I have the ability to do the find on

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1   the description, the item number, and the first user
2   define field.
3   Q   So let's search for paper under description.
4   A   There you find it.
5   Q   Okay. So -- but before you go on, so,
6   again, this doesn't bring up the selected items with
7   paper in the description; it brings up everything,
8   right?
9   A   It brings up the first match and then
10   continues on from there. And if you want to find
11   another one, you find next.
12   Q   But it has -- it continues on with every
13   item in the item master, correct?
14   A   That is correct.
15   Q   Okay. So let's say we select the first one
16   in the list here, paperback books, and can you show me
17   how you build requisition for this item with paperback
18   books?
19   A   Just drop -- just press enter, type in 10,
20   and then you can go in, if you have to, you can
21   require the unit of measures. You don't have to
22   require it. Let's say it's eaches in this case. And

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1   then you can go in and look at the specific accounting
2   unit and accounts you want to look at because this is
3   the accounting function. Or in this case I'm just
4   going to press add and see what enters it gives me.
5   And my com port just closed. See that right
6   there? Something happened on my machine so I have to
7   sign in again. So I apologize for that. I don't know
8   what happened.
9   Q   All right, sign out and sign back in.
10   While you're doing that, let me ask you
11   whether there is search capability within the
12   requisitions module for Lawson 5.0.
13   A   That one has a select function, but it's not
14   as -- it brings up everything and then you can do the
15   search and find, but it's not as defined as the one in
16   6.0.
17   So let's just make sure this thing is up and
18   running. We should be good there.
19   If you look in this, I'm going to go into
20   select. You notice there's a series of more functions
21   come up to go in and look at the item master inventory
22   class, substitute items and so on. So I can go in and

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43 (Pages 169 to 172)

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1 if you look at the item master, which is a wide
2 search.
3   Q   How can we determine whether or not the
4 items you're searching for are non-stock items, in
5 other words, the items that are not in inventory in
6 the company?
7   A   This brings all of them up because to a
8 requester there is no such thing as an inventoried
9 item or non-inventoried item. They're just items in
10 the master file.
11   Q   Well, isn't it correct in the current
12 version of the Lawson's software you can determine
13 whether or not a particular item that you search for
14 in a requisitions module is a stock inventory item or
15 a non-stock item?
16   A   No, unless you -- unless you expose that
17 field to them, they will not know what it is.
18   Q   Right. But if the field is exposed, you
19 know.
20   A   Yes. You could do that also here if you
21 expose the field.
22   Q   Can you do that?

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1   A   No.
2   Q   Why not?
3   A   Because it's locked down by the system
4 administrator.
5   Q   So what's that field on the right there, the
6 inventory items, non-stock items?
7   A   It just shows you the description of that,
8 okay? It shows you the -- the type that it is, but
9 you can't change the select function from the
10 standpoint of show me stock and non-stock unless you
11 go out and you actually change the select function
12 itself. Unless they've done this, which is I'll show
13 you something here, they might have put up -- I would
14 -- no, you can't change that function because it just
15 shows you the item here. If I go to the item master,
16 it brings up stocked and non-stocked.
17   Q   So the system that you're demonstrating here
18 today for Lawson 6.0 running on the HP UNIX server
19 doesn't have -- doesn't include within the
20 requisitions module the capability to search for
21 non-stock items, correct?
22   A   Not -- from what I can see of the search

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1 function here, the select, no, these are all a series
2 of different ones here, but none of them are on a
3 stocked or non-stocked function.
4   Q   Okay.
5   A   You can see the status of it here, but you
6 could have an inventoried item be purchased as a --
7 requisitioned as a non-stocked item, or you can have a
8 non-stocked item requisitioned as a stocked item. You
9 can change the status on that field as part of the
10 requisition.
11   Q   Well, let's -- let's run the search on
12 requisitions that you were going to do before you got
13 logged off.
14   A   So here I can -- I can go in and do a find
15 on a specific item, so if I -- let's do it this way.
16 If I use the term "item," it finds the very first
17 item, the next item, the next item, the next item.
18 Once I find the item, it drops it in. If I put my
19 quantity in, the unit of measure, or you can just
20 press add and it will go in and use the default for
21 this item, the quantity, eaches, the accounting
22 distributions automatically.

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1   Q   Does it show when you create this
2 requisition who the associated vendor is?
3   A   No.
4   Q   It does not.
5   A   No. If the item master -- let's just go and
6 look at something here. There's a requisition detail
7 line. And in that requisition detail line, this is
8 the detail that's being passed on to the system, the
9 date. Here's the item. And if you look out here,
10 you're going to see -- you can override this
11 information, but you must put a unit cost in or you
12 will not get a requisition processed because we're
13 going to check for dollar amounts. So I'm going to
14 add this one in. I'm also going to back to home and
15 change the line. And of course the delivery date
16 cannot be less than today's date. So that might cause
17 an issue in the system today because this is not a
18 system that's been -- yeah, it's not going to function
19 to add it fully.
20   Do you see the date right there? This is
21 not a Y2K compliant system and of course -- the system
22 date looks at that date and says the delivery date

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1   cannot be less than today's date.
2   Q   So it looks like -- to the system it looks
3   like you're trying to request a delivery date of 1909?
4   A   That is correct --
5   Q   I --
6   A   -- on this area.
7   Q   I assume Lawson 6.0 did not exist in 1999?
8   A   No, it didn't exist then, that is correct.
9   Q   We don't know the exact release date, but
10   we're pretty sure it was not 1909.
11   A   Uh-hmm.
12   Q   So we can do a search in requisition module
13   that you're demonstrating here today, but we can't
14   search for non-stock items and we also can't search
15   and find the associated vendor with the search result,
16   right?
17   A   Well, you could go down and let's look at
18   some things here. In this -- there's an item search
19   vendors for item J. What this is going to show you
20   here, and there's nothing turned on for this one, so
21   it doesn't give you an answer. You notice I try to
22   press J and it says no records to select from. You

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1   also will see people go in on the first user field
2   search and they would populate the user field with non
3   -- with a term non-stock. Okay? And I can look at
4   the ones that are non-stocked there. But also they
5   would go in potentially here into our source code and
6   they would add the functionality saying if I add a
7   field here called non-stocked, whatever that first
8   user field is, only show me those items.
9   Q   In other words, you could create additional
10   source code that would modify the functionality as
11   delivered -- as the software was licensed by Lawson to
12   add this feature?
13   A   That is correct.
14   Q   But it wasn't included in 6.0 as it was
15   delivered by Lawson to the customer?
16   A   That is correct.
17   Now the other thing -- go ahead.
18   Q   To be more specific, when I say add this
19   feature, I mean a feature that would allow you to
20   search within requisitions for non-stock items,
21   correct?
22   A   That is correct.

175

1   Q   Okay. Is it possible to do a search within
2   the requisitions module to find all of the different
3   vendors associated with a particular item? In other
4   words, if you have in your item master, let's say, an
5   item description of soda and you have various vendors
6   carrying soda, all right?
7   A   Uh-hmm.
8   Q   Can you do a search to see all of the
9   different vendors who are supplying soda?
10   A   You would have to set it up by probably an
11   inventory class. And what we're going to show you
12   here are the vendors that have this specific item,
13   this book item here. And then on the find, I would
14   have to put in my major and minor class piece, and
15   then you could do that.
16   Q   So if you already had a major and minor
17   class fields defined for soda, then you could use
18   those major and minor codes to find everything that
19   fit within those codes and then look at the vendors
20   available for everything that fit within those codes?
21   A   That's correct.
22   Q   Can you go to the help file menu there at

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1   the top of the requisitions module?
2   A   This piece?
3   Q   Yes.
4   A   This will just be the browser piece now.
5   Q   Right. It's the same thing we saw before.
6   A   Right.
7   Q   Okay. What's -- when was the Requisition
8   Self-Service first made available?
9   A   As Requisition Self-Service, it would be in
10   2005 as calling that.
11   Q   Did it have a name before it was called
12   Requisition Self-Service?
13   A   To me it was very fuzzy. They had this
14   concept called self-evident applications or SEA,
15   S-E-A, with this little wavy thing with a sailboard on
16   it, and they showed us capabilities of that type of
17   technology back in 2000, 2001, but they never brought
18   it to market as a requisition front-end system like
19   Requisition Self-Service became.
20   Q   What are the differences in the types of
21   capabilities functionality that Requisition
22   Self-Service had as compared to the requisitions

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45 (Pages 177 to 180)

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1   module we're looking at for Lawson 6.0?
2   A   Requisition Self-Service used a shopping
3   basket concept. It also used an idea of segregating
4   items into categories. And that was something that we
5   had a purchase order.
6   When -- when Requisition Self-Service became
7   available, those categories became requisition lists.
8   So I could say corporate, here's my list for computer.
9   And I worked in the government sector, so we had
10   police items and we had maintenance items, and they
11   became -- you could click on that and then go right
12   into a specified list and just select items you want
13   and drop them right into the shopping basket.
14   Q   So you could search by category in
15   Requisition Self-Service, by category of items?
16   A   Well, those categories actually -- they
17   weren't a search. We predefined them. So you just
18   selected one -- say you were at a location and you had
19   office supplies and let's say non-stocked items. You
20   could click on those and it would just show you the
21   default items that were defined. And then you could
22   go into that list and click on the ones you wanted or

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1   put a quantity and click add or just click add and it
2   would drop them into the shopping cart.
3   It also had the ability to suspend a
4   shopping cart, which is something requisitions does
5   not do as a shopping cart. It also could print from
6   there, so we could print off in the requisition
7   system. So I'm on a remote location, I want to print
8   it, I print it locally.
9   So it had a bunch more functionality than
10   "standard" requisition, but the Requisition
11   Self-Service also runs through RQ10 to actually create
12   the record. So the RQ Self-Service had more
13   functionality from a look and feel standpoint, but it
14   also created the record from RQ10. You could do no
15   more or no less from RQ10 from creating a final record
16   in the system.
17   Q   But from the point of view of the user, it
18   had a lot more different functionality than
19   requisitions did?
20   A   It was simpler.
21   Q   Do you think it would be acceptable to a
22   Lawson customer today using Lawson Software 9.0, if

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1   you told them you can't use 9.0 anymore, we're going
2   to have to switch you back to Lawson 5.0 or Lawson 6.0
3   with respect to the procurement software, would that
4   be okay for a customer today?
5   A   An impossible -- excuse me, a customer would
6   not be happy with that functionality.
7   MR. STRAPP: Why don't we take a five-minute
8   break.
9   THE VIDEOGRAPHER: Going off the record.
10   The time is 3:19 p.m.
11   (A brief recess was taken.)
12   THE VIDEOGRAPHER: Back on the record. The
13   time is 3:40 p.m.
14   BY MR. STRAPP:
15   Q   Can you go back to the requisitions module
16   in 6.0 that we were looking at, please.
17   A   Okay, uh-hmm.
18   Q   All right. Now, can you run a search in the
19   requisitions module for a particular description?
20   A   I'm going to the item master file now and I
21   do a select and I get to pick which one I want. Say
22   it's item master. Then here I do a find as a function

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1   key and then you can do the item description search
2   right here. Like I would say I use item, and then I
3   press enter and then it finds the first one with an
4   item. And then the find next key for the next item,
5   next item, next item.
6   Q   Okay, now, if you -- let's build a
7   requisition with one of the -- with the first item
8   that showed up after you ran that search.
9   A   So I'm going to go back and I'm going to
10   clear the whole form out now. Do you want me to do a
11   search or just pick one?
12   Q   Why don't you do a search.
13   A   Okay, I'll just do it on books here.
14   Q   Okay.
15   A   So there's paperback books, I find it, I
16   press enter, type a quantity in and then I can at this
17   point -- do you want any more items at this point or
18   just to be finished with the requisition?
19   Q   Let's just be finished with the requisition.
20   So you're building the requisition. Now
21   that you've built the requisition, can you see the
22   associated vendor with this particular item?

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46 (Pages 181 to 184)

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1   A   No.
2   Q   You can't.
3   A   No.
4   Q   Let me ask you another question. You had
5   stated earlier back in the '90s when you would
6   demonstrate software for the Lawson potential
7   customers, like, for example, Lawson Software 6.0 --
8   A   Yes.
9   Q   -- you would connect to that software either
10   with your own server that you brought with you or
11   through -- or directly to a server that didn't have
12   any firewall, right, through the Telnet application.
13   A   Right.
14   Q   Would it be possible for you to conduct a
15   demonstration for us today using your own vintage
16   1990's server rather than connecting through the VPN?
17   A   Today, no, those servers don't exist
18   anymore. They're obsolete and thrown away.
19   Q   Okay. So none of those portable 1990
20   servers that you were traveling around with are in
21   existence anymore to your knowledge?
22   A   To my knowledge there are none left.

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1   Q   Okay. All right. Earlier today we asked
2   you a series of questions about some information on
3   last created date, last modified date for the files
4   and the directories. And you had told me that for one
5   of the two servers, either for the UNIX or for the IBM
6   iSeries, you could show me that information. Was that
7   for the iSeries or for the UNIX server?
8   A   Both should have them, but I don't have
9   access to that level of knowledge within the system.
10   Q   That's --
11   A   That's where we're going to get Bob Geiger
12   or Roger Shimada to get that information.
13   Q   Okay. Do you know whether any -- either of
14   them have provided -- provided you or your counsel
15   with that information yet?
16   A   I don't know, but --
17   MR. SCHULTZ: If we can hold on one minute
18   -- I'm told it's coming shortly.
19   (Exhibit 4 was marked for identification and
20   attached to the deposition transcript.)
21   BY MR. STRAPP:
22   Q   In the meantime the court reporter has

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1   marked Hvass Exhibit 4. It's a letter from your
2   counsel to me dated May 27th concerning the
3   demonstration today for the deposition, and I want to
4   direct your attention to the last paragraph, second to
5   last sentence that reads: "Additionally Lawson
6   configured a 6.0.2 system which will be available as
7   well."
8   Is the 6.0 system that you've demonstrated
9   today a 6.0.2 system or a 6.0 system?
10   A   I don't know.
11   Q   How would you figure that out?
12   A   I'd have to have a developer tell me.
13   Q   Is there -- when you -- when you open up the
14   system here, is there any versioning information
15   available in any of the drop-down screens or anywhere
16   else?
17   A   Not that I can get to.
18   Q   All right. Well, that's another question
19   that we would like answered, what version are we
20   looking at of the 6.0 system, is it 6.0 or is this
21   6.0.2 or is this something else.
22   Didn't you tell me earlier today, maybe I'm

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1   -- I'm wrong on this, but I thought you said that we
2   could access the directory information that would
3   contain last modified date or created date for certain
4   files for at least some of the systems.
5   A   Yes, if -- if I had the commands and the
6   security, I could, but I don't know the commands, nor
7   do I have the security level to do those commands.
8   Q   Okay. That's what hopefully someone's going
9   to provide you --
10   A   Yes.
11   Q   -- before the end of the day.
12   A   Or give us the results of that so you can
13   see it.
14   Q   Okay. Do you know what the release date of
15   6.1 is, when it was generally available?
16   A   From my recollection, it was September 30th
17   of 1994.
18   MR. STRAPP: Could we go off the record for
19   a minute, please?
20   THE VIDEOGRAPHER: Going off the record.
21   The time is 3:48 p.m.
22   (A brief recess was taken.)

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47 (Pages 185 to 188)

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1   THE VIDEOGRAPHER: Back on the record. The
2 time is 4:16 p.m.
3 BY MR. STRAPP:
4   Q   We talked earlier today about the version of
5 Lawson desktop software that you were using. I don't
6 need you to go back on the demonstration now, but the
7 version that -- we already talked about how the
8 version you're using today, which is a display type of
9 software, is version 9.0.1.4, I believe.
10   **A   Yes.**
11   Q   The version you would have used back in the
12 '90s when you were demonstrating the software,
13 versions 5.0, and 6.0, and 6.1, would have been an
14 earlier version of Lawson Desktop software, right?
15   **A   Yes.**
16   Q   Do you know whether you were able to use a
17 mouse to navigate through that earlier Lawson Software
18 when you were demonstrating it using an earlier
19 version of the Lawson desktop software?
20   **A   For 5.0, no. For 6.0, yes.**
21   Q   Okay. Are there any other -- besides the
22 mouse, are there any other functions or features

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1 available on Lawson desktop software that you're using
2 today that weren't available either for the version of
3 desktop software 5.0 or that Lawson desktop version
4 6.0?
5   **A   6.0 could mail a screen. 5.0 could not.**
6 **Otherwise they're virtually identical.**
7   Q   Okay. So there's two differences you're
8 aware of between Lawson desktop software 5.0 and the
9 version you're using today. Other than that, one
10 being the mouse, the other being mailing a screen, but
11 other than those two differences, you're not aware of
12 any as you sit here today?
13   **A   Not that I know of.**
14   Q   Okay. Earlier you testified in connection
15 with building a requisition from a search that you did
16 in the requisitions module for 6.0 that you could not
17 see in the screen, the requisition screen, associated
18 vendor with a particular item that you were building
19 as a result of that search, correct?
20   **A   That's correct.**
21   Q   At the time you build the requisition in the
22 requisitions module 6.0, is there a vendor associated

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1 with an item that you're creating the requisition for?
2   **A   Only if it's defaulted from the item master**
3 **file.**
4   Q   And how would that work?
5   **A   If the item master file, IC11 or IC12, the**
6 **location file, has a -- has a default vendor in, it**
7 **will default that in as part of the requisition. If**
8 **there's no default vendor, it leaves it blank.**
9   Q   Okay. So you would need to create a default
10 vendor for the particular item that you're building
11 the requisition for in order to have a vendor
12 associated with that item when you build a requisition
13 as a result of your search in the requisitions module?
14   **A   That is correct.**
15   Q   And if you didn't have a default vendor for
16 a particular item and you build a requisition for an
17 item after doing a search in the requisitions module,
18 there would not be a vendor associated with that item,
19 correct?
20   **A   That's correct.**
21   MR. STRAPP: Let's go off the record,
22 please.

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1   THE VIDEOGRAPHER: Going off the record.
2 The time is 4:19 p.m.
3   (Discussion off the record.)
4   THE VIDEOGRAPHER: Back on the record. The
5 time is 4:21 p.m.
6   EXAMINATION BY COUNSEL FOR DEFENDANT
7 BY MR. SCHULTZ:
8   Q   Counsel had a question for you as to Exhibit
9 number 4. Could you pull out Exhibit number 4.
10   **A   Yes.**
11   Q   Regarding the version number of the demo
12 system that you're demoing today as 6.0.2 versus 6.0.
13 Have you come to understand what the version number
14 is?
15   **A   From my understanding it is 6.0.2.**
16   Q   Are there any differences in the 6.0 versus
17 the 6.0.2 system?
18   **A   In functionality, no. In patches, yes.**
19   Q   What do you mean by that?
20   **A   When Lawson releases a system, usually in**
21 **the first three or four months, our users find things**
22 **that need to be fixed. So Lawson provides fixes in**

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1   the dot zero dot 1, 2, 3. And so the functionality is
2   the same, but patches get installed to fix minor
3   issues within the software.
4   Q   You also mentioned, there was a question
5   regarding would the customer be happy if they --
6   using -- a customer of the 9.0 system had to go back
7   and use a 5.0 or 6.0 system. And you said -- what --
8   what do you recall saying?
9   A   I said in the Requisition Self-Service area,
10   they would not be happy with it.
11   Q   Why not?
12   A   It's not that they lose functionality. It's
13   that they look and feel significantly easier to work
14   with in the Requisition Self-Service module.
15   Q   Okay. When you say they don't lose
16   functionality, what do you mean?
17   A   When you go to Requisition Self-Service, it
18   always processes through the standard requisition
19   program, so they can do functionally all of the same
20   things that they can do in RQ10, but it's not in the
21   nice user interface of a shopping basket.
22   Q   Other than the shopping basket, is there any

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1   functionality on the requisition process that's
2   different from a customer who's using only RQ to a
3   customer who's using RSS?
4   A   No, they're the same functions.
5   Q   And the RSS also incorporates the
6   functionalities of the PO and IC?
7   A   Through that process it always goes in --
8   the Requisition Self-Service creates a requisition.
9   It goes through the approval. Once it's in that part,
10   it's in the back office and it's following the back
11   office systems, the purchase order, inventory and
12   matching systems.
13   Q   Okay. So when you say the back office,
14   that's the purchase order, the inventory control and
15   the requisitions modules?
16   A   That is correct.
17   Q   You also mentioned that with an RSS there
18   are categories. Is that the same thing -- is there a
19   similar thing to categories with respect to the 6.0
20   and 5.0 systems?
21   A   Yes, those are -- the original idea was
22   creating a template so when a requisition user went

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1   in, they could -- they could go on to a template,
2   bring up all the items in that template and then
3   select the ones they wanted to use in RQ10. That
4   template is -- is still there today, and when you
5   bring up Requisition Self-Service, the template
6   becomes the catalog. So there's no more rekeying to
7   it. It just comes up under a different name. The
8   reason it's in a different name is because users in
9   this current environment don't understand the
10   template, but they understand how to buy off a catalog
11   since it's a common metaphor in today's business
12   world.
13   Q   So the term catalog that's used is the same
14   thing as the template that was used in 5.0 and 6.0?
15   A   It's identical.
16   Q   Are you familiar with webrec?
17   A   Not personally, no.
18   Q   Are you familiar with webrec being the
19   predecessor to the RSS program?
20   A   I've heard the name, but I never used it in
21   any kind of detailed fashion at Lawson.
22   Q   You mentioned that there's a self-evident

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1   application or SEA. What is that?
2   A   It was a precursor to Requisition
3   Self-Service. We also had them in human resources and
4   in payroll that were designed, this is to prove out
5   the concept of going on the web. And as those designs
6   were proved out, then they became commercially
7   available and we -- we renamed them things like
8   Requisition Self-Service, Manager Self-Service, Human
9   Resources Self-Service, those kind of ideas.
10   Q   When you brought up -- switching topics now.
11   When you brought up the 5.0 system that was developed
12   on the 2.0 environment from 1993, do you recall that?
13   A   Yes.
14   Q   And that was on the product line cobdeliv?
15   A   That is correct.
16   Q   It had no data in it, correct?
17   A   It has very limited data. In inventory it
18   appears as none.
19   Q   When -- when software code was delivered to
20   customers in the 5.0, 6.0 Legacy systems, was it ever
21   delivered with code -- with data?
22   A   With data? No, it's never delivered with

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1   data because the customer brings in their data.
2   Q   Is the code as of today in the 9.0 system
3   delivered with data?
4   A   No, it's not delivered with any data.
5   Q   So the software has always been delivered
6   the same way, from 9.0 all the way back to 5.0?
7   A   That is correct.
8   Q   And that is without data.
9   A   That is correct.
10   Q   There was also some discussion about whether
11   you could search in the Legacy systems, the 5.0 and
12   6.0 systems, regarding stock and non-stock items. Do
13   you recall that testimony?
14   A   Yes, I do.
15   Q   Do you recall that testimony where you
16   talked about where you could fill in the fields to --
17   to list the stock and non-stock items?
18   A   Meaning that on a user defined field, are
19   you asking about using a user defined field to help
20   select stock and non-stock?
21   Q   That's correct.
22   A   Okay, one of the things that users have

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1   done, that's why the field is there, there's a user
2   defined field 1 in Lawson, it's the item master
3   record, that is searchable and selectable. And they
4   could put a code in there like NON, non-stock, and
5   then that's the only list we would bring up. So they
6   could select those rather than have them mixed within
7   the system.
8   Q   There was a discussion about whether that
9   would be changing the source code. Would that be
10   changing the source code?
11   A   In this case, no.
12   Q   Would it be more akin to adding data?
13   A   It's a matter of data entry, not a matter of
14   changing the system function.
15   Q   So similar to a Lawson customer who adds
16   data to the system, the Lawson customer could add the
17   non-stock and stock variations to the system?
18   A   Absolutely.
19   Q   In the 6.0 system, you had gone through and
20   you did a search. Do you recall doing a search and
21   there was a question whether there was -- the search
22   results were of matching items to your search; do you

195

1   recall that?
2   A   Yes, I do.
3   Q   Did the search result that came back match
4   the search criteria that you entered into the Lawson
5   system?
6   A   Yes. As designed it brings up the first
7   record of the matching function.
8   Q   And then you're able to do the find next
9   which also brings up the next match to your search
10   criteria, correct?
11   A   That is correct.
12   Q   Do you recall doing a search in the 6.0
13   system in the requisition module where you were able
14   to do a search for a product in the requisitions
15   module?
16   A   Yes, on the item master field in the
17   requisition line, you can search on the item-by-item
18   description, item number, or the selected item for a
19   first user defined field, sales class, purchasing
20   class and inventory class.
21   Q   And counsel did not have you go through the
22   requisition process in the 5.0 system, that would do

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1   the same functionality. My question to you is, did
2   the 5.0 system have the same functionality as the 6.0
3   system that would allow you to do a search for
4   matching items and then bring those matching items to
5   a requisition?
6   A   Yes, but by description and item number.
7   Q   So the only difference was that in -- in
8   terms of the input that you have rather than the
9   functionality itself?
10   A   It's exactly the same function. 6.0 has
11   more ability to give you more categories to search on.
12   Q   There was also discussion regarding doing a
13   search by a vendor. Do you recall that discussion?
14   A   We had a discussion. I never showed it in
15   the system.
16   Q   Okay. I would like you to show that in the
17   system doing a search by a vendor.
18   MR. SCHULTZ: Jimmy, if we could bring up
19   the recording, please.
20   Q   If you could describe to us as the recording
21   is getting set up where you are.
22   MR. CLEMENTS: It's recording now.

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1   A   In the purchase order module, I'm going to
2   go over to a purchase requisition and bring up data
3   within the system.
4   And on the vendor master record, you're
5   going to see the selectability. So I'm on the vendor
6   field under a purchase order and I can now go to
7   select an AP vendor or purchasing vendor. And once I
8   select that vendor, it will bring up a list and then,
9   again, you can do your find on a search name, on a
10   location or the vendor number itself. And so I can
11   search in this case, say I wanted to go in and use NA.
12   You could search, and, again, it would bring up in
13   this case the first NA. And then you could go out and
14   do a next function and find the next NA if there was
15   one in that search list.
16   And when you find the one you want, you can
17   go in and press enter and bring it back to the, in
18   this case, the purchase order form that you're working
19   with.
20   Q   Could we go back into the 5.0 system?
21   A   Yes, we can.
22   MR. STRAPP: Could you specify to which 5.0

198

1   system? There's two different 5.0 systems.
2   BY MR. SCHULTZ:
3   Q   Yes, let's go into the 5.0 system with the
4   support product line.
5   A   What application would you like to go into?
6   Q   What I'd like you to do is I would like you
7   to go through the item numbers, so it may be inventory
8   control.
9   A   And you would like to see the setup of those
10   items or just reviewing the file?
11   Q   What I would like to see is you had gone
12   through -- you had paged through the items. And there
13   was a field in that -- in that screen that allowed you
14   to see the date established. I would like to see
15   that. Okay, now you're scrolling through the items?
16   A   That's correct.
17   Q   This is in the item master?
18   A   This is in the item master, yes.
19   Q   Okay. And right now you're -- you're --
20   well, it was. The date established on this particular
21   record, is it correct that it would be April 16th of
22   1993?

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1   A   That is correct.
2   Q   So it would be accurate that the data that's
3   entered into the system was entered in before 1994?
4   A   That is correct.
5   Q   It would have been entered in on April 16th,
6   1993?
7   A   That is correct.
8   Q   Now, I see it's not Y2K compliant. Is --
9   was this system ever updated for Y2K compliance?
10   A   No, it was not.
11   Q   Why not?
12   A   Lawson chose, instead of updating this
13   release, they went into the next release level, and
14   where it made sense, we made all the years four digits
15   long, making them Y2K compliant.
16   Q   So would it be accurate to assume or -- or
17   would it be accurate that this system was prior to
18   2000?
19   A   Yes, it would be.
20   Q   And what is the actual date of the 5.0
21   system?
22   A   The date of release or date of -- of this

200

1   system we're looking at?
2   Q   The date of the first release of the 5.0
3   system.
4   A   It would be sometime in 1991, most likely in
5   the first half of the year.
6   Q   You talked about the major and minor class.
7   What -- what are the major and minor class; is that a
8   hierarchical system?
9   A   It's a -- if you look on this form here,
10   Lawson supports --
11   Q   You're on the IC11.1?
12   A   Yes, I am. Lawson supports -- I'm going to
13   go previous here just to show you some information.
14   If you'll notice here on this particular item 102, you
15   can set up major and minor classes that are used to
16   search for the particular item when you're -- when
17   you're in the system. And those codes are user
18   defined, so I can set up my own classes and subclasses
19   and use them to find items within the system when
20   you're working with the system.
21   Q   There's also a UPC code. What is the UPC
22   code?

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1   A   That was a field we added in over time,
2   which is in the 5.0 system, to track the Universal
3   Product Codes that people would want to use within our
4   system.
5   Q   Are you familiar with the codes that are
6   called UNSPSC codes?
7   A   I'm familiar with the business concept.
8   Q   What is the business concept?
9   A   The United Nations wanted a global
10 recognized coding system to select and find items by
11 all vendors across the world. And that coding
12 structure was put in place for -- basically for major
13 and minor types of stuff. It was a UN code that they
14 specified and controlled.
15   Q   Is the UNSPSC code in the current version of
16 Lawson's software?
17   A   Yes, it is.
18   Q   Was it in the 8.0.3 version of Lawson's
19 software?
20   A   Yes, it was.
21   Q   What was -- was there anything that was
22 similar to the UNSPSC codes in the version 6 and

202

1   version 5 of Lawson's software?
2   A   People could have used the UPC code, but
3   more likely they would have set up either an item
4   class or subclass to do that or they might have used
5   two user defined fields and put that information into
6   the system.
7   Q   How would they use two user defined fields
8   to put the information into the system that would be
9   similar to an UNSPSC code?
10   A   They could go in and change our user fields
11 and actually put value -- valid values and
12 relationships in with our case tool and added that
13 into the application. And they could have done that
14 outside of the standard core coding of the system.
15   Q   So they wouldn't have to change the source
16 code?
17   A   No, they would add additional source code to
18 do that.
19   Q   The -- in other words, the 5.0 and 6.0
20 systems were capable of inputting UNSPSC codes if they
21 existed at the time?
22   A   Yes, they could have.

203

1   Q   And rather than using UNSPSC codes, the
2   Lawson systems at the time used the major/minor class,
3   the UCP code, and the user defined fields?
4   A   Yes.
5   Q   You also had a discussion about -- well,
6   actually what you did is you input data for a
7   particular item. Do you recall that testimony?
8   A   Yes. Are you talking about the item by
9   vendor by price file?
10   Q   Did you not put a new item into the system?
11   A   I did earlier but not today.
12   Q   Okay. When you put in those items, did you
13 key those in?
14   A   Yes.
15   Q   Or some other manner?
16   A   I keyed them in.
17   Q   Okay. In the process -- in the current
18 systems today of Lawson, what is the process of
19 entering information into the item master?
20   A   You can still do the online method if you
21 want to go key your items in, but most clients already
22 have an established item master file and they would

204

1   generally go out and either use a Lawson supplied tool
2   or one of their tools, map their data to our input
3   structure and then import that data in, review it for
4   errors, correcting the errors, review it again after
5   they bring it in, after they fix them, and then they
6   would import them in with full added control rather
7   than keying them in. There would be an electronic
8   input function.
9   Q   What would be the electronic input functions
10 that they would use today?
11   A   They would go in and there's a standard
12 interface file in the inventory module that exists
13 today, and it's existed quite some time. Actually 5.0
14 and 6.0 had those pieces of program technology, and
15 they would import them into the system.
16   Q   Would it be accurate that the current system
17 uses a module that's known as PO536?
18   A   That is correct. That -- that one's for --
19 for vendor item and prices.
20   Q   And there's another that's for inventory
21 control, that's inventory -- or IC811?
22   A   Yes, for the current system today, yes.

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1   Q   What are the current systems -- okay, so
2   those are the current systems, the PO536 and the
3   IC811, correct?
4   A   That is correct.
5   Q   What are the equivalents to the PO536 and
6   the IC811 of the 5.0 and 6.0 systems?
7   A   Okay, so if I go -- I'm going to go in -- is
8   it okay to go in and show you those -- those updates
9   in the system?
10 Q   Yeah. I would like you to go into the 6.0
11 system, if you would, please.
12   A   Okay. And so in the system -- this is an
13 inventory. There's a function for interfaces and
14 conversions, and there's an item master load file that
15 will bring in item master records called IC911.
16 Q   Okay. So the equivalent of IC811 that's in
17 the current system in the version 6 system is IC911?
18   A   That is correct.
19 Q   Is there a PO913 that's equivalent to the
20 PO536?
21   A   I'm going over into the purchase order
22 system right now and going into interfaces, and there

206

1   is a purchase order interface. There's also a header
2   load -- and what was the program number?
3   Q   PO913.
4   A   913. This is the item vendor load that will
5   load in vendors with items and prices from an upload
6   from a batch file. And this one -- Lawson supplies
7   the database structure. And if you feed the data from
8   the prior system into Lawson or from what they call a
9   vendor supplied price list, which is commonly referred
10 to as a catalog, it would load those into the system
11 as the vendor, the price, the effective date and the
12 next effective date and price into the system. And
13 this was in the 6.0 system as a standard product
14 delivery.
15 Q   Are you familiar -- familiar with the EDI
16 transaction?
17   A   Yes, I am.
18 Q   And are you familiar with the current system
19 that uses IC800?
20   A   Yes, I am.
21 Q   What is the equivalent in the 5.0 and 6.0
22 systems?

207

1   A   Well, what I'm showing you now online, in
2   PO540, Lawson could -- could create in the 6.0 system
3   an EDI file and then this is -- takes that flat file
4   and takes the Lawson purchase orders, puts them into
5   the electronic interface, and then it could be sent
6   and transmitted by standard EDI software.
7   Q   So the 5.0 and 6.0 systems supported EDI?
8   A   That is correct.
9   Q   Could you go to IC11.1, please?
10   A   Say that one more time, please. IC --
11 Q   IC11.1. What is IC11.1?
12   A   That's the item master file. And would you
13 like some data brought into it, too?
14 Q   Yes, please.
15   And what did you just do?
16   A   I just went in and brought up the item
17 group, and I did a next function to bring up the first
18 item within the system.
19 Q   And that displayed the data for the
20 particular item that is in the item master?
21   A   That is correct.
22 Q   The functionality of the current version of

208

1   POICNRQ, has it changed since version 5?
2   A   The additional -- the baseline functionality
3   of setting up items, creating a purchase order and
4   those major functions are you talking about or
5   specific -- the later releases, 8.0, 9.0, you'll see
6   more fields and more functionality within the
7   inventory master, but the same base system existed.
8   In fact it's the same program number.
9   If I went into 9.0 today, I could go in and
10 type in IC11.1 and it would bring me to exactly the
11 same function in the system, the item master file.
12 Q   In the additional fields, those additional
13 fields could have been written into the 5.0 and 6.0
14 systems?
15   A   They could have been. Our customers weren't
16 asking for them then; and as they did, we put them
17 into the system as additional releases.
18 Q   But there were the user defined fields that
19 the customers could have filled in?
20   A   Absolutely.
21   MR. SCHULTZ: Okay. Nothing further at this
22 time.

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53 (Pages 209 to 212)

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1   FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFF
2   BY MR. STRAPP:
3   Q   Okay. So we have some additional questions.
4   We would like to introduce some additional exhibits as
5   well.
6   First, you were just asked by counsel for
7   Lawson whether the functionality of the current
8   versions of purchase order, inventory control and
9   requisitions have changed since version 5. Do you
10 recall being asked that question?
11   A   Yes.
12   Q   And is it fair to say that the functionality
13 of those modules that Lawson purchased -- is it your
14 testimony that the functionality of those modules
15 within the procurement software that Lawson offers has
16 not changed since version 5 in the early '90s?
17   **A   It has had additional functions brought into**
18 **it, but the -- the substance of creating a**
19 **requisition, creating a purchase order, creating a**
20 **receiver and creating a match business-wise are**
21 **identical.**
22   Q   So is it fair to say, then, that customers

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1   of Lawson using Lawson 9.0, if they were told by
2   Lawson that they needed to switch back to the
3   procurement modules available in the early '90s with
4   version 5.0 wouldn't have a problem since the basic
5   functionality is the same?
6   **A   The functionality would not cause them any**
7   **issues. How it navigates and works on their current**
8   **systems wouldn't even exist.**
9   Q   In other words, they would not be able to
10 use those systems today? Current customers of Lawson
11 Software using version 9 would not be able to use
12 Lawson Software 5.0 today, right?
13   **A   They could if they had the existing hardware**
14 **in the old operating systems.**
15   Q   And are you aware of a single customer of
16 Lawson Software that would be capable of running
17 Lawson 5.0 today?
18   **A   Not 5.0, but I do know of 6.0 ones, they do**
19 **exist. Nothing in major number, but they still are**
20 **there.**
21   Q   And would it be an available and acceptable
22 alternative for a customer using 9.0 today to be told

211

1   by Lawson, sorry, you can't use 9.0 anymore, you need
2   to use the procurement modules for 5.0?
3   **A   We have never done that for a client.**
4   Q   And you never would, correct?
5   **A   No, it wouldn't be good business practice.**
6   Q   You testified just recently that Lawson 5.0
7   has capability of search functionality within the
8   requisitions module in the 5.0; is that correct?
9   **A   That is correct.**
10   Q   Could you pull up -- well, to clarify,
11 there's two different versions of Lawson 5.0. There's
12 -- that you would demonstrate today. One is the one
13 running on UNIX Universe 2.0 from 1993 that has no
14 data in inventory and item master, correct?
15   **A   That is correct.**
16   Q   So we can't go into that to build a
17 requisition or search because there's no data,
18 correct?
19   **A   That is correct.**
20   Q   So let's open up the version of 5.0 that's
21 either the cyclical or support version running on UNIX
22 Universe 2.1 from 1995, and if you could go into the

212

1   requisitions module, I would like to see the search
2   functionality you were describing.
3   So are you now in the requisitions module
4   for 5.0?
5   **A   That is correct.**
6   MR. SCHULTZ: Jimmy, could we take a break?
7   MR. STRAPP: Sure, let's go off the record
8   for a minute, please.
9   THE VIDEOGRAPHER: Going off the record.
10 The time is 4:48 p.m.
11   (Discussion off the record.)
12   THE VIDEOGRAPHER: Back on the record. The
13 time is 4:49 p.m.
14 BY MR. STRAPP:
15   Q   All right. So we're now in requisitions
16 module 5.0?
17   **A   That is correct.**
18   Q   All right. And can you demonstrate for me
19 how to run a search here?
20   **A   So you can go in and do a select and find**
21 **your items and then put in a group number or**
22 **description like ZEZ and find the item and then drop**

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54 (Pages 213 to 216)

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1   it into the specific location.
2   Q   Okay. So let's go back for a minute to the
3   find the item functionality you just showed.
4   A   Uh-hmm.
5   Q   So if we search ZEZ, can you do that one
6   more time under --
7   A   Find, go down to the description, ZEZ and
8   press enter.
9   Q   And what comes up is ZEZ as well as every
10   other item in the item master?
11   A   It finds the first ZEZ.
12   Q   Right.
13   A   And then you can select it and go to the
14   next one if it exists, which in this case there are
15   none.
16   Q   Right. And what are all the other items
17   that show -- that result from the search?
18   A   The items going from 776 forward
19   sequentially.
20   Q   In the item master?
21   A   In the item master.
22   Q   Regardless of whether they have ZEZ in the

214

1   description?
2   A   That is correct.
3   Q   Okay. Now let's select ZEZ. Okay. Now, is
4   there a vendor associated with this ZEZ item that you
5   have chosen?
6   A   So you -- on this screen it's designed
7   intentionally where we would not show a vendor number
8   to a user because requisitions usually get interpreted
9   by a professional purchaser to look at what vendors
10   they should select. So you transfer and you go to
11   requisition line detail entry. And at this point
12   you'll come down here and there's a -- you can put in
13   a suggested vendor number if you had one. You'll
14   notice here that the select and the vendors show up.
15   And then we can do a find and let's say we're going to
16   do it on my name, HV. Okay. This one probably has
17   cap sensitivity to it, so I'm going to do a select,
18   find, and then you would come into it and select the
19   one and drop it in there.
20   Q   Is that a suggested vendor or the actual
21   vendor?
22   A   That is the suggested vendor because at this

215

1   point I'm not defaulting one from the item master
2   record.
3   Q   Okay. So because there's no default vendor,
4   there is no actual vendor associated with this item?
5   A   That's correct.
6   Q   Now, if you -- if you created a default
7   vendor in the item master, there would be an
8   associated item -- there would be a vendor associated
9   with this item?
10   A   That is correct.
11   Q   Okay. If you go back to the search screen
12   where you did the search for Z -- I don't remember
13   what the search was, Z something --
14   A   Right.
15   Q   -- in the description field.
16   A   Right.
17   Q   Can you run that search one more time?
18   A   Uh-hmm, sure. Let me do a find and then --
19   Q   ZEZ. Are -- are there item groups in this
20   search list or are there just item descriptions?
21   A   It's technically item descriptions. The
22   Z -- the group is actually an error in the system.

216

1   Q   Okay.
2   A   That has to -- that should be patched in a
3   future release because it's not doing -- that name is
4   wrong on that.
5   Q   What should it say instead of --
6   A   Item number or item in the system.
7   Q   When it says under the column on the right,
8   there's Mike's item group, the ABC group, farm item
9   group, the class group, are those item groups or are
10   those descriptions of individual items?
11   A   These are actually groups in this case
12   because it's coded incorrectly. They're going to
13   groups by mistake and it shouldn't do that.
14   Q   So the search that you're demonstrating
15   right now is resulting in item groups, not resulting
16   in particular items?
17   A   That is correct.
18   Q   So could you go back and run the search one
19   last time on ZEZ for the description?
20   A   Sure, uh-hmm.
21   Hold on here, I'm getting way off. It's not
22   liking my old tabbing backwards. There we go.

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55 (Pages 217 to 220)

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1   Q   All right. So we do a search now for ZEZ --
2   ZEZ is an item group, right?
3   A   That is correct.
4   Q   It's not -- could we do a search for an item
5   description here?
6   A   No, there's no item description because the
7   field is coded wrong.
8   Q   So you can't search either for a particular
9   item number or for the description of an item?
10   A   No, because we're looking at the group in
11   this instance.
12   Q   All right. So the functionality available
13   in the 5.0 Lawson's system that you're demonstrating
14   here does not contain the ability to search for a
15   particular item number or item description within the
16   requisitions 5.0 module, correct?
17   A   On the .CV5.0. If I go to .CV2.0, it works
18   perfectly well. It's a bug in the system.
19   Q   Which version of 5.0 are we looking at right
20   now?
21   A   The 5.0 version.
22   Q   Okay. And that was the one that was on the

218

1   UNIX Universe 2.1 for 1995?
2   A   That's correct.
3   Q   Is it the support version or the cyclical
4   version?
5   A   This is the support version.
6   Q   And the 5.0 version on the 2.0 -- Universe
7   2.0 from 1993 doesn't have any data in it, correct?
8   A   That's the problem with that system. That's
9   why I didn't use it.
10   Q   Okay.
11   MR. STRAPP: Let me mark as the next exhibit
12   this document.
13   (Exhibit 5 was marked for identification and
14   attached to the deposition transcript.)
15   BY MR. STRAPP:
16   Q   All right. This is a document we just
17   received from Lawson a few minutes ago. It appears to
18   be some screen shots. And could you take a moment to
19   review, please, these screen shots and then describe
20   for me what they are and tell me if you know what this
21   document is.
22   A   Would you mind if I bring them up on my

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1   computer so I can read them because this is not
2   legible to me and I have them in electronic form in
3   the original e-mail.
4   Q   That's fine with me.
5   A   That's this piece. You're looking actually
6   at these screen shots here.
7   Q   Right.
8   A   Okay, go ahead. I can -- I can look at them
9   this way and actually see them. I think they're
10   better for you also.
11   Q   Okay. So why don't you tell me what this
12   first screen shot is that we're looking at.
13   A   We are looking at a product line within
14   Lawson. Its owner is Lawson. It's a system based 1.
15   And it tells you the creation date of the Universe
16   Lawson system 6.2.11 was created on 4-3 of '99 at the
17   military time of 14:02:30. That's what the first
18   screen tells you about the system.
19   Q   Is this -- is Lawson Universe 6.2.11
20   different than UNIX Universe 2.0 that we were
21   discussing earlier today?
22   A   It's a completely different product.

220

1   Q   Okay. So what is the Lawson Universe?
2   A   The Lawson Universe takes the Lawson
3   application code and marries it to the operating
4   system within the targeted computer system hardware
5   and operating system. So the AS/400 iSeries version
6   Universe functions the same but is a radically
7   different underpinnings of structure compared to the
8   Universe for UNIX.
9   Q   Is this Lawson Universe 6.2.11 similar to
10   the Lawson system foundation that's now used?
11   A   It is the predecessor to that.
12   Q   Okay. So it's a different -- an earlier
13   name for what is now known as the Lawson system
14   foundation?
15   A   That is correct.
16   Q   And on which of the systems that you
17   demonstrated today or were prepared to demonstrate
18   today is Lawson Universe 6.2.11 running on?
19   A   On the iSeries 6.1 under the iSeries
20   operating system.
21   Q   Okay. So you brought -- you were prepared
22   today to demonstrate the 6.1 Lawson Software release

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56 (Pages 221 to 224)

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1   running on the IBM iSeries server; and your testimony
2   is that on that server is running Lawson Universe
3   6.2.11 which was created April 3rd, 1999?
4   A   That is correct.
5   Q   All right. So let's go to the next screen.
6   So why don't you describe for me what this screen
7   shows.
8   A   This is showing the Lawson programs, that's
9   what this object is, the LAW for Lawson PM -- PGM are
10   the Lawson compiled programs. And you can see it's in
11   a certain library. *.LIB is a typical name for a
12   library. It told you -- tells you here that the
13   creation date of this is 1-09-00, and it came out of a
14   certain AS400 and a system date.
15   Q   Which Lawson compiled programs is this
16   referring to?
17   A   This is -- this is listing all of the Lawson
18   compiled objects for our full product line, so all of
19   the financial systems, procurement systems and the
20   human resource systems.
21   Q   Running on which version?
22   A   Under 6.1.

222

1   Q   So this screen shot is giving us a date on
2   which all of the programs for Lawson Software release
3   6.1 were compiled?
4   A   For the Ciber system that we deliver to
5   them.
6   Q   Okay. So this is specific to the particular
7   6.1 Lawson Software that you were prepared to
8   demonstrate that's on the IBM i server?
9   A   That's correct.
10   Q   All right. So tell me if I've got this
11   right. The software that you were prepared to
12   demonstrate concerning Lawson Software release 6.1
13   running on the IBM i server was compiled as of January
14   9, 2000?
15   A   That is correct.
16   Q   Okay. Let's move on to the next screen.
17   So what does this screen show us?
18   A   It's another object library, and I -- it
19   looks like the database was defined here. And this is
20   the database definitions in the data libraries. And
21   it looks like those are compiled on 5-3-99.
22   Q   Are these database definitions used in the

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1   Lawson Software 6.1 that you were going to demonstrate
2   today?
3   A   Yes. This is the data definition compiles
4   prior to you defining the actual source code that the
5   system will run transactions through. It's called a
6   DB definition. And that's what this does.
7   Q   Okay. Let's move on to the next screen.
8   What does this screen show us?
9   A   This is the actual source code libraries
10   that were -- that were delivered with that system.
11   Q   So the source code libraries delivered with
12   the Lawson 6.1 software release running on the IBM i
13   server that you were going to demonstrate today were
14   created April 3rd, 1999?
15   A   That is correct.
16   Q   Okay.
17   MR. STRAPP: Let's mark this as the next
18   exhibit, please.
19   (Exhibit 6 was marked for identification and
20   attached to the deposition transcript.)
21   BY MR. STRAPP:
22   Q   So what's been handed to you now has been

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1   marked as Hvass Exhibit 6. And this is a 109-page
2   document provided to us in the last few minutes by
3   Lawson that has at the top of each page what looks to
4   be a file name of WIP60_mod.txt.
5   First, if you turn back to Hvass Exhibit 2
6   and you take a look at the first page of that exhibit,
7   do you see there's a description of 6.0 and 6.1
8   applications on UNIX Universe 2.1 --
9   A   Right.
10   Q   -- from 1995? It says in parentheses WIP60
11   there?
12   A   That's correct.
13   Q   And you told me earlier today, I think, that
14   WIP60 stands for work in progress 6.0?
15   A   That is my -- my professional guess at it.
16   Q   Okay. So do you believe that this document
17   here, Hvass Exhibit 6, is a list of files associated
18   with the work in progress 6.0 Lawson Software release
19   that you were prepared to demonstrate today that
20   resides on the HP UNIX server?
21   A   Yes, it was the one that we did present
22   from.

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57 (Pages 225 to 228)

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1   Q   Okay. It is the one that you presented
2   from.
3   A   Uh-hmm.
4   Q   All right. Can you tell me what kind of
5   information is contained in Hvass Exhibit 6?
6   A   Well, what you're looking at is -- I don't
7   know what the WR stands for. Probably the reports --
8   the reporting. I'm not sure what the one is. The
9   other one looks like the size of the file potentially,
10   actually. It's -- it's the -- now that I'm looking at
11   it, it's the employee number or the person's
12   initial -- name and initials of who was in the program
13   or probably who wrote it or last modified.
14   Q   So -- so this is the column to the right of
15   the column that has one?
16   A   Column -- yes, that is correct.
17   And then you have what type of file is it,
18   where is it stored, a root directory, a system
19   directory. Generally these are in system directories
20   since they're source codes. Then it has the size of
21   the file, the month, continuing to the right, the
22   date, the year, and then the actual source program

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1   number.
2   The first one is the program name and then
3   there's a specific number of the program. It's like
4   GL source/the actual program number, FB, flex
5   budgeting, and the program number. So it's telling
6   you who wrote it, where it is, what the size is, the
7   date of the compilation and what program was compiled.
8   Q   The date of the compilation is the column
9   that has as its first row entry March 1, 1995?
10   A   That's correct.
11   Q   So that's informing us that the particular
12   program hrsrc/emrptws was compiled on March 1st, 1995?
13   A   That is correct.
14   Q   Can you understand what that program is just
15   from those numbers?
16   A   It's a human resource -- it's a human
17   resource source code. That's what src stands for.
18   And the emptws is a database file.
19   Q   What's the first program you see here on the
20   right column that looks like it has to do with
21   procurement?
22   A   I don't see anything on page 1, page 2. On

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1   page 3, if you looked at PR source -- PO source,
2   HP990WS, has a date of January 26, 1995.
3   Q   Posrc?
4   A   That's correct.
5   Q   And what does posrc stand for?
6   A   It stands for purchase order source code.
7   Q   All right. So -- and what does the HP99WS
8   stand for?
9   A   I do not know.
10   Q   All right. So this would lead a user to
11   understand -- this would lead me to understand that
12   the purchase order source code referred to here was
13   compiled on January 26, 1995, correct?
14   A   For that specific program, yes.
15   Q   And that would be purchase order source code
16   that's contained within the Lawson 6.0 software
17   release that you demonstrated here today, right?
18   A   That is correct.
19   Q   All right. And the same is true for all
20   four of these posrc with a January 26th, 1995 date,
21   right?
22   A   That is correct.

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1   Q   All right. What's the next thing that you
2   see here in this document that seems to relate to
3   procurement?
4   A   There's IC sources on page 4 on the very
5   bottom. It says, "icsrc sicws," and those are dated
6   January 17th of 1995.
7   Q   And the IC stands for inventory control?
8   A   Inventory control.
9   Q   Source code?
10   A   I'm sorry. Yes.
11   Q   So there's inventory control source code
12   compiled on January 17th, 1995 that was part of the
13   Lawson Software release 6.0 that you demonstrated
14   today, correct?
15   A   That is correct.
16   Q   All right. And so we've talked about some
17   purchase order source code and some inventory control
18   source code. Is there any reference to any
19   requisition source code or other requisition programs
20   that you see here? Maybe I'll direct your attention
21   to page 24.
22   A   We're getting there, yes. That would be

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58 (Pages 229 to 232)

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1   good. Thank you.
2   On 24, rqsrc's.
3   Q   So rqsrc, does that stand for requisition
4   source code?
5   A   That is correct.
6   Q   So it's correct that the requisition source
7   code referred to on pages 23, 24 and 25 is requisition
8   source code compiled on January 7th, 1995 that was
9   part of the Lawson Software release 6.0 that you
10   demonstrated today?
11   A   That is correct.
12   Q   And are there any other procurement modules
13   associated with a 6.0 that you demonstrated today
14   besides inventory control, purchase order and
15   requisitions?
16   A   Not that I know of, no.
17   MR. STRAPP: Let's mark this as the next
18   exhibit.
19   (Exhibit 7 was marked for identification and
20   attached to the deposition transcript.)
21   BY MR. STRAPP:
22   Q   All right. You have in front of you now

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1   what has been marked as -- I think your microphone
2   needs to --
3   A   Thank you.
4   Q   -- Exhibit 7. And this document has as its
5   title of each page Support_mod.txt.
6   Does this document contain information about
7   the support version of the Lawson 5.0 software release
8   running on UNIX Universe 2.1 from 1995 that you
9   demonstrated today?
10   A   Yes.
11   Q   And are the columns in this document, do
12   they contain the same type of information as the
13   column in the document that we've marked as Exhibit 6?
14   A   They're identical.
15   Q   Okay. Now, can you point to me -- well,
16   let's look, rather than you point to me, I'll point to
17   you, on page 1, the middle of the page, there's a date
18   October 25th, 1994. And it refers to a program rqsrc.
19   Do you see that?
20   A   Yes, I do.
21   Q   And does rqsrc in this document also refer
22   to requisition source code?

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1   A   Yes, it does.
2   Q   So is it correct to say that there is
3   requisition source code compiled on October 25th, 1994
4   that was part of the support version of the Lawson
5   Software release 5.0 that you demonstrated earlier
6   today?
7   A   Yes.
8   Q   Okay. And if you look down right below that
9   on October -- on a date of October 21, 1994, there's a
10   program icsrc. Does that refer to inventory control
11   source code?
12   A   Yes, it does.
13   Q   So is it fair to say that there was
14   inventory control source code compiled on October
15   21st, 1994 that was part of the Lawson Software 5.0
16   that you demonstrated earlier today?
17   A   That is correct.
18   Q   All right. And if you scroll down to
19   September 28th, 1994, do you see the reference there
20   to posrc?
21   A   Is that on page 1?
22   Q   On page 1, September 28th, 1994.

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1   A   September 28th. Yes, I see it.
2   Q   Does it refer to purchase order source code?
3   A   Yes, it does.
4   Q   So is it accurate, then, to say that the --
5   there is purchase order source code that's part of the
6   Lawson Software 5.0 that you demonstrated today that
7   was compiled on September 28th, 1994?
8   A   That is true, yes.
9   (Exhibit 8 was marked for identification and
10   attached to the deposition transcript.)
11   BY MR. STRAPP:
12   Q   You now have in front of you Lawson Exhibit
13   9 -- Hvass Exhibit 9. It has as a title at the top of
14   each page Cyclical_mod.txt. Does this document
15   contain information about the programs and files that
16   are part of the cyclical version of the Lawson
17   Software 5.0 that you demonstrated today?
18   A   Yes, it does.
19   Q   Let me just back up for a second. Did you
20   demonstrate for us both the Lawson cyclical -- 5.0
21   cyclical and the Lawson 5.0 support?
22   A   I did support more. Cyclical I don't think

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59 (Pages 233 to 236)

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1   we've shown.
2   Q   Okay. So you haven't shown Lawson 5.0
3   cyclical today, but you were prepared to demonstrate
4   that as well, right?
5   A   That is correct.
6   Q   Okay. Take a look at the second row of the
7   first page. It has a date February 21, 1995. Do you
8   see that?
9   A   Yes, I do.
10   Q   And you see to the right of that it
11   references posrc?
12   A   Uh-hmm, that is correct.
13   Q   So is it fair to say that there is purchase
14   order source code compiled on February 21, 1995 that
15   was part of the Lawson 5.0 cyclical version that you
16   were prepared to demonstrate today?
17   A   Yes, it does.
18   Q   I'm sorry, just to correct for the record,
19   this is actually Hvass Exhibit 8, not Hvass Exhibit 9.
20   All right. On page 2, if you go to October
21   13th, 1994, bottom third of the page, do you see the
22   reference there to rqsrc?

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1   A   That is correct, uh-hmm.
2   Q   And does that refer to requisition source
3   code?
4   A   Yes. Yes, it does.
5   Q   So it's fair so say, then, that there is
6   requisition source code compiled on October 13th, 1994
7   that's part of the Lawson 5.0 software release
8   cyclical version that you were prepared to demonstrate
9   today?
10   A   Yes.
11   Q   And a couple entries underneath that,
12   there's a date of October 12th, 1994. It refers to
13   icsrc. Is it fair to say that there is inventory
14   control source code compiled on October 12th, 1994
15   that is part of the Lawson 5.0 software release
16   cyclical version that you were prepared to demonstrate
17   today?
18   A   Yes.
19   MR. STRAPP: Why don't we take a break,
20   please.
21   THE VIDEOGRAPHER: Going off the record.
22   The time is 5:17 p.m.

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1   (A brief recess was taken.)
2   THE VIDEOGRAPHER: Back on the record. The
3   time is 5:23 p.m.
4   MR. STRAPP: We have no further questions at
5   this time.
6   FURTHER EXAMINATION BY COUNSEL FOR DEFENDANT
7   BY MR. SCHULTZ:
8   Q   Mr. Hvass, you talked about the 5.0 system
9   and you mentioned a .CV.2.0.
10   A   That's correct.
11   Q   What is that?
12   A   It's -- it's a prior version in a different
13   environment that was something I was hoping to
14   present, but the data wasn't available, but it's a 5.0
15   version of our software.
16   Q   Okay. The version that you presented today,
17   what was the date when it was first available?
18   A   For the 5.0 system?
19   Q   Yes.
20   A   It was sometime in the earlier time frames
21   of 1993 from a demonstration perspective, but we were
22   -- we were talking about that and showing it to -- to

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1   prospects as a prerelease in the late 1992 time frame.
2   Q   Is that the 5.0 or 6.0 system?
3   A   That is the 5.0 system.
4   Q   Was there a date for the 5.0 system back in
5   1991?
6   MR. STRAPP: Objection, leading.
7   Q   Are you familiar with any dates that are
8   prior to 1992 for the 5.0 system?
9   A   Let me think.
10   MR. STRAPP: Same objection.
11   A   That would be for 6.0. In -- in 1991 there
12   were standard 5.0 systems available. I don't know the
13   year, though.
14   Q   Okay.
15   A   Without -- excuse me. The month I do not
16   know.
17   Q   When was the first year that the standard
18   5.0 systems were available?
19   A   1991.
20   Q   You were shown Exhibits 8 and 7. And let's
21   start with Exhibit 7. If you could bring that up in
22   front of you.

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60 (Pages 237 to 240)

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1   A   I do.
2   Q   You talked about some specific dates in
3   Exhibit 7, for example, October 25th, 1994 where there
4   was a reference to rqsrc. What is it talking about
5   when there is the October 25th date?
6   A   That was the date of the compilation of that
7   program, the last date of compilation of that program.
8   Q   Are there original dates of compilation for
9   the RQ program in Exhibit 7?
10   A   Yes, there are.
11   Q   What is that date?
12   A   Well, if you go back and look at, for
13   example, page 43 and some of these other areas in the
14   system, you can go look back and look at source codes
15   of the 5.0 release that go back into -- for example,
16   on page 44, you could look at the requisition source
17   code of January 28th, 1992. See, this -- this system
18   is a support system, so this is the last date of
19   compilation. But if you look back earlier, there are
20   programs and requisition and purchase orders and
21   inventory that go back not to 1994 but were actually
22   originally compiled in 1992.

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1   Q   So what does that show?
2   A   It shows that those programs existed and
3   were in the testing phase for release much prior to
4   the dates of pages 1 and 2. These show you the dates
5   that were compiled as the process of building that
6   system originally.
7   Q   Lawson had those in their control?
8   A   Absolutely.
9   Q   Let's look at number 8, Exhibit number 8.
10   You also looked at specific -- some specific dates on
11   Exhibit number 8. Does Exhibit number 8 also have the
12   same type of thing where there is an original date
13   with respect to the modules?
14   A   Well, let me explain something. We compile
15   all the systems at one time as a general idea, and as
16   they go through a cyclical or a support area, they'll
17   fix it and recompile it. It might be two years later
18   because a user has brought up an issue, an error, and
19   we fix that as part of the cyclical. And so you'll
20   see on the cyclical and support later dates. But if
21   you look back in the document, in this case if you
22   look at page 70 in the cyclical release, you will see

239

1   a whole series of PO source codes listed out there as
2   being compiled and operational on November 8th of
3   1991.
4   Q   Is it accurate that the system would have
5   existed then in 1991?
6   A   Absolutely.
7   Q   If we look back to Exhibit 6, is there a
8   similar issue with Exhibit 6, that there was an
9   original date of compilation that would show the date
10   when the system was first existing?
11   A   Absolutely.
12   Q   How -- how would I tell?
13   A   If you would look back, for example, let's
14   just find a page here with an example of something
15   from procurement -- these, of course, are all in the
16   roughly 1990 time frame and they're almost two months
17   apart anyways, but there's things in '94 that go back
18   into --
19   Q   Let's go to the last page, page 109.
20   A   Uh-hmm. For example, on page 20th of 1993,
21   the first compilation of PO -- PO276 was actually
22   developed and compiled. There was a screen that was

240

1   developed for that on September 20th, 1993 for the
2   WIP60 system.
3   Q   And that was the system that we demonstrated
4   today, which was a 6.0.2 system, correct?
5   A   That is correct.
6   Q   So there was a 6.0 system that was prior to
7   the 6.0.2 system?
8   A   That is correct.
9   Q   I think you testified on -- on your
10   testimony that you had demoed the 6.0 system in 1992?
11   A   We had talked about it and early releases
12   were shown to customers at that point, but the actual
13   official final release was 1993.
14   Q   Okay. So were you familiar with the system
15   as it was in 1993?
16   A   Yes, I was.
17   Q   And in 1993, did the system have the same
18   functionality as you demonstrated today?
19   A   Yes.
20   Q   You also were -- you also testified that you
21   had demonstrated or that you were involved with the
22   5.0 system; is that correct?

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61 (Pages 241 to 244)

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1   A   That is correct.
2   Q   And when were you involved with
3   demonstrating the 5.0 system?
4   A   In 1991.
5   Q   And in 1991, did the 5.0 system have the
6   same functionality as you demonstrated in the version
7   that you demonstrated today?
8   A   Yes.
9   Q   You also testified that you needed to use a
10   -- or that you used a Telnet session to log into the
11   systems, the 5.0 and the 6.0 systems; is that correct?
12   A   That is correct.
13   Q   Why did you use the Telnet system?
14   A   Because that was the -- that is the standard
15   mechanism to go into that -- into those applications
16   in the 5.0 and 6.0 releases.
17   Q   Could we have gone and visited and done an
18   inspection of the Lawson systems at Lawson in
19   St. Paul, Minnesota?
20   A   Yes.
21   Q   Would it have changed any of the
22   functionality if we had gone to St. Paul, Minnesota

242

1   and logged directly into the sessions?
2   A   No, they would be identical.
3   Q   Why would they be identical?
4   A   Because it's the same software. There's no
5   difference between a Telnet session either locally or
6   remote.
7   Q   It's just for convenience?
8   A   It was convenience that I used the VPN to
9   get through our firewalls, but if you're local, I
10   don't need to use that firewall and VPN software, but
11   it's exactly the same Telnet sessions.
12   Q   You had some screen shots up on the screen
13   that counsel was asking you about, the version 6.1
14   system. Do you recall that?
15   A   That's correct, yes.
16   Q   What were those?
17   A   Those were the -- the system compilation
18   dates for data directories, compiled program
19   directories, operating system directories that were
20   used in the Ciber 6.0 iSeries software.
21   Q   So those directories told us about the
22   application software or the -- where the application

243

1   software was residing?
2   A   Well, it told us the date of compilations
3   for those different directories and what was residing
4   on the 6.1 release that I was prepared to show.
5   Q   Okay. Could you bring up the 6.1 system?
6   A   Sure.
7   MR. SCHULTZ: Jimmy, could you record that,
8   please?
9   MR. CLEMENTS: Yes, I'm recording now.
10   A   This is the starting sign-on area.
11   Q   And this green that you see here is the same
12   type of screen that you saw in the screen shots that
13   were shown, correct?
14   A   Yes, it's the same technology and same piece
15   of software.
16   Q   What is the screen that we're seeing here?
17   A   This is a standard menus that would start
18   off a user using our system.
19   Q   Did the 6.1 system have the same
20   functionality in terms of purchase order, inventory
21   control and requisitions as by saw in the 6.1 --
22   excuse me, in the 6.0 and 5.0 systems?

244

1   A   It has additional function, but the baseline
2   functionality is the same. It created purchase
3   orders; it created requisitions; it created inventory
4   records and so on.
5   Q   Could we go to the inventory control module
6   at 14, please? What does this screen show us?
7   A   This is a submenu of a main menus showing
8   you the setup of the system setting up items,
9   inquiring, doing physical inventory, standard
10   functionality within the system.
11   Q   What is number 12 where it reads "5.0 to 6.0
12   upgrade"?
13   A   That took user database files and brought
14   them from 5.0 to 6.0 as part of the upgrade
15   procedures.
16   Q   How did that work?
17   A   Well, what happens within the system is that
18   they could load setup files, items, stock,
19   transactions and move them from the 5.0 system, that
20   same data, and move it into the 6.0 system.
21   Q   And that was all electronic?
22   A   That was all done electrically, yes.

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62 (Pages 245 to 248)

245

1   Q   Using a load program?
2   A   It was a load -- an unload and load program.
3   Q   Are there any other menus with respect to
4   the inventory control menu?
5   A   Well, the one I would call your attention to
6   in this case would be the interface files that were
7   present in the system. Here, if you look, the item
8   master load, the item location load, all of these are
9   the systems that we can electronically load in the
10 system. And if you remember, the 6.0 system and the
11 6.1 system, it used the same IC911 program source from
12 the COBOL into the RPG, and this is exactly the same
13 program.
14 Q   On the inventory control or -- I'll back up.
15   With any of those three programs, the IC,
16 the PO or the RQ, can you show what fields can be
17 searched?
18 A   Well, the same idea existed in the system
19 where I could go into IC30, and I could go in here and
20 inquire on a specific company, and I could go out and
21 do a description on a specific one, and I could go out
22 and do a widget, for example, and bring up items like

246

1   I showed you in the -- in the UNIX system.
2   Q   And in the 6.1 system, it brings up the
3   specific items that you had requested?
4   A   In this case, yes, because that's what I was
5   looking at on the -- on the widget area.
6   Q   And I see that there's a major/minor class?
7   A   Yes, that's true.
8   Q   Is there any difference between the
9   major/minor class and the 6.1 system and the 5.0 and
10 6.0 system?
11 A   They're identical.
12 Q   What about the PO system that's on the 6.0,
13 are there any differences in the PO system on the 6.1
14 version versus the 6.0 system?
15 A   No, there's not any major differences on
16 functionality.
17 Q   Could we go into the PO main menu, please?
18 A   Sure. Let's go back this way.
19 Q   Am I able to do a search from the PO menu in
20 this -- in this 6.1 version?
21 A   From the -- you could look at inquiries and
22 you could do searches there. I mean, like in this

247

1   case I could look at PO's by item number again just
2   like I showed you in the UNIX system, and I could go
3   in here and find an item. In this case, here's --
4   here's a company, here's a specific vendor, and then I
5   can see purchase orders out there within the system by
6   items.
7   Q   Can I search by a vendor?
8   A   If I went out into the system and -- let's
9   look at it this way. Would you like to go in and look
10 at a purchase order function, and I would like to go
11 in and look at the particular vendor pieces here and
12 select from them. And I can look at a PO vendor and
13 then select one of the particular vendors I want to
14 work with. Yes, you can do that also.
15 Q   And when you search for the vendor, you're
16 able to see the items that are associated with the
17 vendor?
18 A   Not on that search screen. That is just
19 looking for the vendor again, in this case by the PO
20 vendor, AP vendors, vendor name or the EDI number of
21 the vendor.
22 Q   So the functionality is the same as the 6.0

248

1   version?
2   A   It's exactly the same.
3   MR. SCHULTZ: Nothing further.
4   MR. STRAPP: Can we go off the record,
5   please?
6   THE VIDEOGRAPHER: Going off the record.
7   The time is 5:37 p.m.
8   (Discussion off the record.)
9   MR. STRAPP: No further questions.
10
11   (Signature having not been waived, the
12 deposition of Jeffrey Hvass was concluded at
13 5:38 p.m.)
14
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VIDEOTAPED DEPOSITION OF JEFFREY L. HVASS
CONDUCTED ON TUESDAY, JUNE 8, 2010

63 (Pages 249 to 252)

249

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1                    * * *
2        ACKNOWLEDGEMENT OF WITNESS
3        I, JEFFREY HVASS, do hereby acknowledge that
4   I have read and examined the foregoing testimony, and
5   the same is a true, correct and complete transcription
6   of the testimony given by me, and any corrections
7   appear on the attached Errata sheet signed by me.
8
9
10  _____  _____
11  (DATE)          (SIGNATURE)
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251

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1          E R R A T A  S H E E T
2     IN RE:  EPlus, Inc. V. Lawson Software, Inc.
3   RETURN BY: _____
4
5   RETURN BY: _____
6   PAGE   LINE         CORRECTION AND REASON
7   ____  ____  _____
8   ____  ____  _____
9   ____  ____  _____
10  ____  ____  _____
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19  ____  ____  _____
20  ____  ____  _____
21  ____  ____  _____
22  (DATE)      (SIGNATURE)
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250

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1     CERTIFICATE OF SHORTHAND REPORTER
2        I, Michele E. Eddy, Registered Professional
3   Reporter and Certified Realtime Reporter, the court
4   reporter before whom the foregoing deposition was
5   taken, do hereby certify that the foregoing transcript
6   is a true and correct record of the testimony given;
7   that said testimony was taken by me stenographically
8   and thereafter reduced to typewriting under my
9   supervision; and that I am neither counsel for,
10  related to, nor employed by any of the parties to this
11  case and have no interest, financial or otherwise, in
12  its outcome.
13
14        IN WITNESS WHEREOF, I have hereunto set my
15  hand and affixed my notarial seal this 9th day of
16  June, 2010.
17
18  My commission expires June 12, 2012
19
20  _____
21  MICHELE E. EDDY
    NOTARY PUBLIC IN AND FOR
22  THE DISTRICT OF COLUMBIA
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252

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1          E R R A T A  S H E E T
2     IN RE:  EPlus, Inc. V. Lawson Software, Inc.
3   RETURN BY: _____
4   PAGE   LINE         CORRECTION AND REASON
5   ____  ____  _____
6   ____  ____  _____
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21  _____  _____
22  (DATE)           (SIGNATURE)
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